US GOVERNMENT INFORMATION GPO

federal register

MONDAY, SEPTEMBER 10, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 174

Pages 24627–24874

PART I

HIGHLIGHTS OF THIS ISSUE

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

HOUSING ASSISTANCE—HUD amends interest rate on mortgage insurance and home improvement loans; effective 8–25–73 24637

NUTRITION PROGRAMS FOR THE ELDERLY—USDA regulations regarding donations of food; effective 9–10–73 24633

TIMBER SALES—Interior Department amends regulations on stumpage value limitations and payments; effective 10–10–73 24638

WASTE TREATMENT—EPA issues cost-effectiveness analysis guidelines; effective 10–10–73 24639

ENVIRONMENTAL PROTECTION—NASA notice of availability of impact statement for Kennedy Space Center 24688

FOOD ADDITIVES—FDA approves use of diisononyl phthalate as a plasticizer in packaging; effective 9–10–73 24643

PEANUTS—USDA increases loan rates for 1973 crop; effective 9–10–73 24634

FROZEN CARROTS—USDA proposes to amend grade standards; comments by 10–31–73 24654

FINANCIAL REPORTING—SEC regulations regarding effect of treasury stock transactions on accounting for business combinations 24635

RELOCATION ASSISTANCE—Interior Department amends regulations; effective 9–10–73 24649

(Continued inside)

PART II:

U.S. SAVINGS BONDS—Treasury Department rules governing registration, reissue, redemption and replacement of bonds; effective 9–5–73 24761

PART III:

WATER RESOURCES COUNCIL—Establishment of principles and standards for planning water and related land resources; effective 10–25–73 24777

PART IV:

PUBLIC ASSISTANCE—HEW proposal on service programs for families, children and disabled individuals; comments by 10–10–73 24871

September 10, 1973—Pages 24627–24874

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

VA—Requirement of flood insurance coverage on properties with VA loan in special flood hazard areas. 20832; 8–3–73

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by the Executive Branch of the Federal Government. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NEW ANIMAL DRUGS—FDA approves use of prednisolone tertiary butylacetate for treatment of horses, dogs and cats, and revises indications for use of tetracycline in calves (2 documents); effective 9–10–73 ..... 24643, 24644

SODIUM CHLORATE—EPA proposed exemption from requirement of a tolerance; comments by 10–10–73 24667

REAL ESTATE LIENS—SEC proposes exemption of certain promissory notes from registration requirements; comments by 10–11–73 24668

COTTON TEXTILES—Commerce Department announces embargo of certain products from Haiti 24679

ANTIDUMPING—Treasury Department determination on cacium pantothenate from Japan 24669

MEETINGS—
National Endowment for the Humanities: Planning Office Panel, 9–14 and 9–15–73 24688
Interior Department: Minute Man Historical Park Advisory Commission, 9–27–73 24670
Indiana Dunes National Lakeshore Advisory Commission, 9–28–73 24670
Bonneville Regional Advisory Council, 9–18, 9–25, 9–26, 10–3 and 10–4–73 24669
DOT: Citizens' Advisory Committee on Transportation Quality, 9–17 and 9–18–73 24674
Labor Department: Business Research Advisory Council's Committee on Manpower and Employment, 9–25–73 24690
HEW: Safety and Occupational Health Study Section, 9–13 and 9–14–73 24672
Venereal Disease Control Advisory Committee, 9–12 to 9–14–73 24672
Secretary's Advisory Committee on the Rights and Responsibilities of Women, 9–13 and 9–14–73 24674
Board of Advisors to the Fund for the Improvement of Postsecondary Education, 9–12 to 9–14–73 24672
U.S. Comm. on Civil Rights: New Hampshire State Advisory Committee, 9–12–73 24679
Maryland State Advisory Committee, 9–13–73 24679
Rhode Island State Advisory Committee, 9–13–73 24679
Ohio State Advisory Committee, 9–15–73 24679
DOD: Advisory Group on Electron Devices, 9–11–73 24669
Working Group on Special Devices, 9–11–73 24669
Working Group on Passive Devices, 9–18–73 24669
Working Group on Low Power Devices, 9–21–73 24669
Working Group on High Power Devices, 9–25 to 9–26–73 24669
Advisory Committee on Federal Pay, 9–11–73 24675
CLC: Food and Industry Wage and Salary Committee, 9–12–73 24690

Contents

ADVISORY COMMITTEE ON FEDERAL PAY
Notices
Proposed Federal pay adjustment; meeting 24675

AGRICULTURAL MARKETING SERVICE
Proposed Rules
Milk in the Wichita, Kansas, marketing area 24654
Standards for grades of frozen carrots 24654
Notices
Milk in Southeastern Minnesota-Northern Iowa and Minneapolis-St. Paul, Minn., marketing areas; determination of equivalent New York butter prices 24670

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food and Nutrition Service; Rural Electrification Administration.
Rules and Regulations
Delegation of authority by the Secretary of Agriculture and general officers of the department 24633
Notices
Agriculture grant and agreement regulations 24671

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules and Regulations
Frankfurters and certain other cooked sausage products; correction 24640

ATOMIC ENERGY COMMISSION
Notices
Prehearing conference and discovery incidents:
Alabama Power Co 24675
Georgia Power Co 24675

BONNEVILLE POWER ADMINISTRATION
Notice
Bonneville Regional Advisory Council; meetings 24669

CENTER FOR DISEASE CONTROL
Notices
Meeting 24672

CIVIL AERONAUTICS BOARD
Rules and Regulations
Statements of general policy; treatment of depreciation of wide-bodied aircraft for rate purposes 24642
Terms, conditions, and limitations of certificates to engage in supplemental air transportation; prohibited control of a supplemental air carrier 24642
Proposed Rules
Certified and foreign air carriers; travel group charters 24664
Fees and charges for special services; filing and license fees 24662
Termination of rulemaking proceeding:
Air freight industry; uniform credit, billing, and collection practices 24660
Uniform system of accounts; monthly reports 24661
Notices
Hearings, etc.:
Compagnie Nationale Air France et al 24675
Eastern Air Lines, Inc. and Seaboard World Airlines, Inc 24677
International Air Transport Association; Conference 1 24679

CIVIL RIGHTS COMMISSION
Notices
State advisory committee meetings:
Maryland 24679
New Hampshire 24679
Ohio 24679
Rhode Island 24679

COMMERCE DEPARTMENT
See Maritime Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles from Haiti; entry or withdrawal from warehouse for consumption 24679

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list, 1973; addition and proposed additions (2 documents) 24680

COMMODITY CREDIT CORPORATION
Rules and Regulations
Crop farm-stored peanut loan and purchase program for 1973 24634

COST OF LIVING COUNCIL
Proposed Rules
Executive and variable compensation; correction 24667
Notices
Food Industry Wage and Salary Committee; meeting 24690

(Continued on next page)

COUNCIL ON ENVIRONMENTAL QUALITY

Notice

Environmental impact statements; list of statements 24680

DEFENSE DEPARTMENT

Notices

Advisory committee meetings; correction 24669

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

State and local assistance; cost-effectiveness analysis (Appendix A) 24639

Proposed Rules

Sodium chlorate; proposed exemption from requirement of a tolerance 24667

Notices

Allied Chemical Corp.; determination and order 24683

Amchem products, Inc.; establishment of temporary tolerance 24682

Ciba-Geigy Corp.; filing of petition regarding pesticide chemical 24683

Nipak, Inc.; withdrawal of petition regarding pesticide chemical 24683

Uniroyal Chemical; filing of petition for food additive 24683

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
- Allison Model 250–C20 engines .. 24640
- Bell Model 47 series helicopters .. 24641
- Boeing 737 series airplanes .. 24641
- Pratt & Whitney Model JT3D engines 24641

Federal airways, area low routes, controlled airspace, and reporting points; transition area; designation 24641

FEDERAL COMMUNICATIONS COMMISSION

Notices

Common carrier services information; domestic public radio services applications accepted for filing 24683

FEDERAL HIGHWAY ADMINISTRATION

Notices

Iowa; proposed action plan 24674

FEDERAL MARITIME COMMISSION

Notices

A. B. Barone Forwarding, Inc. and C. H. Powell Co., Inc.; agreement filed 24686

F. J. Herbelin Forwarding Co., Inc. and C. H. Powell Co., Inc.; agreement filed 24686

FEDERAL RESERVE SYSTEM

Notices

United Penn Corp.; proposed acquisition of Valley Consumer Discount Co 24687

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices; Greater Kansas City Gas Furnace & Air Conditioning Co., Inc. and Dennis G. Svejda 24634

Notices

Office of the Executive Director; organization and functions 24687

FISCAL SERVICE

Rules and Regulations

Regulations governing U.S. Savings Bonds 24761

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting; special regulations for individual wildlife refuge areas (8 documents) 24650–24652

Notices

Nunivak National Wildlife Refuge; public hearing regarding wilderness proposal 24670

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Color additives; pyrogallol and ferric ammonium citrate; confirmation of effective date 24643

Food additives; diisononyl phthalate 24643

New animal drugs for implantation or injection; prednisolone tertiary butylacetate 24643

New animal drugs in oral dosage forms; tetracycline oral veterinary 24644

FOOD AND NUTRITION SERVICE

Rules and Regulations

Availability of donated foods for nutrition programs for the elderly 24633

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Social and Rehabilitation Service.

Rules and Regulations

Solicitation documents; standardized request for proposal format and checklist 24644

Notices

Board of Advisory to [illegible]rd for the Improvement of Postsecondary Education; meeting 24672

Secretary's Advisory Committee on Rights and Responsibilities of Women; meeting 24672

Social Security Administration; organization, functions, and delegation of authority 24672

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules and Regulations

Interest rate change 24637

INDIAN AFFAIRS BUREAU

Rules and Regulations

General forest regulations 24638

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Mathies Coal Co., et al.; renewal permit applications; opportunity for hearing 24687

INTERIOR DEPARTMENT

See also Bonneville Power Administration; Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Parks Service.

Rules and Regulations

Uniform relocation assistance and real property acquisition policies 24649

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 24691

Fourth section applications for relief 24691

Motor carrier temporary authority applications 24691

Motor carrier transfer proceedings (2 documents) 24696

LABOR DEPARTMENT

See also Labor Statistics Bureau.

Notices

Organizational terminology; changes 24690

LABOR STATISTICS BUREAU

Notices

Business Research Advisory Council Committee on Manpower and Employment; meeting 24690

LAND MANAGEMENT BUREAU

Rules and Regulations

Location of mining claims 24650

Wild and free-roaming horses and burros management; protection, management, control and reservation of forage; correction 24650

MARITIME ADMINISTRATION

Notices

Waterman Steamship Corp.; application 24671

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Kennedy Space Center; availability of environmental impact statement 24688

NATIONAL ENDOWMENT FOR THE HUMANITIES

Notices

Planning Office Panel; meeting ... 24688

NATIONAL PARK SERVICE

Notices

Indiana Dunes National Lakeshore Advisory Commission; meeting ... 24670

Minute Man National Historical Park Advisory Commission; meeting ... 24670

NATIONAL BUREAU OF STANDARDS

Notices

Security Equipment Catalog and Security Resources Directory; proposed development ... 24671

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rules

Revision in REA specification for building-out capacitors ... 24660

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Effect of treasury stock transactions on accounting for business combinations; interpretative releases ... 24635

Proposed Rules

Certain promissory notes directly secured by a first lien on real estate; exemption ... 24668

Notices

Compusamp, Inc.; order suspending trading ... 24688

IDS Life Variable Annuity Fund A and IDS Life Insurance Co.; notice of application ... 24688

SOCIAL AND REHABILITATION SERVICE

Proposed Rules

Families, children, and aged, blind, or disabled individuals; service programs ... 24871

TARIFF COMMISSION

Notices

Criterion Footwear, Inc.; workers' petition for a determination; notice of investigation ... 24689

Don Gustin Shoe Co., Inc., workers' petition for a determination; notice of investigation ... 24690

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; Federal Highway Administration.

Notices

Citizens' Advisory Committee on Transportation Quality; meeting ... 24674

TREASURY DEPARTMENT

See also Fiscal Service.

Notices

Calcium pantothenate from Japan; determination of sales at less than fair value ... 24669

WATER RESOURCES COUNCIL

Notices

Principles and standards for planning water and related land resources; establishment ... 24777

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

6 CFR

PROPOSED RULES:

152 ... 24667

7 CFR

2 ... 24633
250 ... 24633
1421 ... 24634

PROPOSED RULES:

52 ... 24654
1073 ... 24654
1701 ... 24660

9 CFR

319 ... 24640

14 CFR

39 (4 documents) ... 24640, 24641
71 ... 24641
208 ... 24642
399 ... 24642

PROPOSED RULES:

Ch. II ... 24660
241 ... 24661
298 ... 24662
372a ... 24664
389 ... 24662

16 CFR

13 ... 24634

17 CFR

211 ... 24635
231 ... 24635
241 ... 24635
251 ... 24635
271 ... 24635

PROPOSED RULES:

230 ... 24668

21 CFR

8 ... 24643
121 ... 24643
135b ... 24643
135c ... 24644

24 CFR

203 ... 24637
205 ... 24637
207 ... 24637
213 ... 24637
220 ... 24637
221 ... 24637
232 ... 24637
234 ... 24637
235 ... 24638
236 ... 24638
241 ... 24638
242 ... 24638
244 ... 24638

25 CFR

141 ... 24638

31 CFR

315 ... 24762

40 CFR

35 ... 24639

PROPOSED RULES:

180 ... 24667

41 CFR

3-16 ... 24644
114-50 ... 24649

43 CFR

3830 ... 24650
4710 ... 24650

45 CFR

PROPOSED RULES:

221 ... 24872

50 CFR

32 (8 documents) ... 24650-24652

Rules and Regulations

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

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

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

This document delegates authority to the Assistant Secretaries and the Director of Agricultural Economics to establish and reestablish regional, state, and local advisory committees.

Part 2 of Subtitle A of Title 7 of the Code of Federal Regulations is amended as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Consumer Services.

* * * * *

(f) *Related to committee management.*—Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

§ 2.19 Delegations of authority to the Assistant Secretary for Conservation, Research, and Education.

* * * * *

(h) *Related to committee management.*—Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.

* * * * *

(e) *Related to committee management.*—Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

§ 2.23 Delegations of authority to the Assistant Secretary for Rural Development.

* * * * *

(d) *Related to committee management.*—Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(g) *Related to committee management.*—(1) * * *

(2) Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

§ 2.27 Delegations of authority to the Director of Agricultural Economics.

* * * * *

(e) *Related to committee management.*—Establish and reestablish regional, state, and local advisory committees for activities under his authority. This authority may not be redelegated.

Dated September 5, 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-19180 Filed 9-7-73;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 17]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Availability of Donated Foods for Nutrition Programs for the Elderly

The regulations for the operation of the Food Distribution Program (31 FR 14297), as amended, are further amended to implement the provision of Public Law 93-29 (87 Stat. 56), approved May 3, 1973, which authorizes the Secretary of Agriculture to donate foods for use in nutrition programs for the elderly established under title VII of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f).

P.L. 93-29 became effective on May 3, 1973, and it is desirable to effectuate its provisions as soon as possible. Therefore, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this amendment.

1. The authority citation for Part 250 is amended by adding at the end "42 U.S.C. 3045 f."

2. In § 250.1 paragraph (a) is revised to read as follows, and paragraph (b) is revised by adding a new subparagraph (15) as follows:

§ 250.1 General purpose and scope.

(a) *Terms and conditions.*—This part contains the regulations prescribing the terms and conditions under which foods may be obtained by Federal, State, and private agencies for use in any State (1) in schools operating nonprofit food service programs, (2) in nonprofit summer camps and service institutions for children, (3) in charitable institutions, (4) in State correctional institutions for minors, (5) in nutrition programs for the elderly, and (6) otherwise in the assistance of needy persons.

(b) *Legislation.* * * *

* * * * *

(15) Section 707 of the Older Americans Act of 1965, as amended, which reads as follows:

(a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935, (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title.

3. In § 250.3 paragraph (j) is revised to read as follows and a new paragraph (t) is added as follows:

§ 250.3 Definitions.

* * * * *

(j) "Recipient agencies" means schools, summer camps for children, institutions, welfare agencies, nutrition programs for the elderly, or disaster organizations receiving foods for their own use or for distribution to eligible recipients.

* * * * *

(t) "Nutrition program for the elderly" means a project conducted by a recipient of a grant or contract under title VII of the Older Americans Act, as amended, to assist in meeting the nutritional and social needs of persons aged sixty or older.

4. Section 250.8 is amended by adding a new paragraph (h) as follows:

§ 250.8 Eligible recipient agencies.

* * * * *

(h) *Nutrition programs for the elderly.*—Nutrition programs for the elderly are eligible to receive foods under section 416, section 32, and section 709. If a nutrition program for the elderly employs a food service company to conduct its feeding operation, the provisions

of paragraph (b) (3) of this section shall be applicable.

This amendment shall become effective September 10, 1973.

Dated September 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-19133 Filed 9-7-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973-Crop Peanut Farm-Stored Loan and Purchase Supp., Amendment 1]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Farm-Stored Peanut Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation, and published in 38 FR 22372, which set forth specific requirements with respect to farm-stored loan and purchase program for the 1973 crop of peanuts are hereby amended to increase the support values for farmers' stock peanuts. It is impracticable to follow the notice of proposed rulemaking procedure with respect to this amendment, because 1973-crop peanuts are being harvested and it is essential that the rates provided in this subpart be put into effect with respect to such peanuts on the earliest possible date.

Section 1421.294(a) is amended as follows:

§ 1421.294 Loan and purchase rates.

* * * * *

(a) *Loan rate.*—Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type:	*Dollars per ton*
Virginia	$335
Runner	332
Southeast Spanish	323
Southwest Spanish	319
Valencia, in the Southwest area suitable for cleaning or roasting[1]	335

[1] The price for all Valencia type peanuts in the Southeast and Virginia—Carolina areas and those in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

* * * * *

AUTHORITY.—62 Stat. 1070, as amended, 15 U.S.C. 714 (b) and (c); 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421, 1423, 1425

Effective date.—September 10, 1973.

Signed at Washington, D.C., on September 4, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-19179 Filed 9-7-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2428]

PART 13—PROHIBITED TRADE PRACTICES

Greater Kansas City Gas Furnace & Air Conditioning Co., Inc. and Dennis G. Svejda

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; —Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act; Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act;

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601-1605))

[Cease and desist order, Greater Kansas City Gas Furnace & Air Conditioning Company, Inc., et al., Kansas City, Missouri, Docket C-2428, August 2, 1973.]

In the matter of Greater Kansas City Gas Furnace & Air Conditioning Company, Inc., a corporation, and Dennis G. Svejda, individually and as an officer of said corporation.

Consent order requiring a Kansas City, Missouri, retailer of furnaces, heating equipment, air conditioners, and parts therefor, among other things to cease violating the Truth in Lending Act by failing to disclose to customers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

Respondents are further required to cease transferring any documents of indebtedness without providing that the rights or defenses of the consumer may be asserted against any subsequent holder of the documents and to include a statement to that effect on the face of any note or other instrument evidencing indebtedness. Further, the firm must recontact and offer the right of recission to all eligible consumers who purchased on or after July 1, 1969.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Greater Kansas City Gas Furnace and Air Conditioning Company, Inc., a corporation, and its officers, and Dennis G. Svejda, individually and as an officer of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to identify on the disclosure statement required by § 226.8(a) of Regulation Z the transaction to which the statement relates, as required by § 226.8 (a) (2) of Regulation Z.

2. Failing to disclose the date on which the finance charge begins to accrue when different from the date of the transaction, as required by § 226.8(b) (1) of Regulation Z.

3. Failing to disclose the sum of all payments required, and to describe that sum as the "total of payments", as required by § 226.8(b) (3) of Regulation Z.

4. Failing to describe the type of any security interest held or to be retained or acquired by the creditor in the connection with the transaction, as required by § 226.8(b) (5) of Regulation Z.

5. Failing to use the term "cash price", as defined in section 226.2(i) of Regulation Z, to describe the purchase price of the transaction, as required by § 226.8 (c) (1) of Regulation Z.

6. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the transaction, as required by § 226.8(c) (2) of Regulation Z.

7. Failing to use the term "total downpayment" to describe the sum of the cash downpayment and trade-in, as required by § 226.8(c) (2) of Regulation Z.

8. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c) (3) of Regulation Z.

9. Failing to disclose all other charges, individually itemized, which are included in the amount financed but which are not part of the finance charge, as required by § 226.8(c) (4) of Regulation Z.

10. Failing to disclose the sum of the unpaid balance of cash price and all other charges and describe that sum as the "unpaid balance", as required by § 226.8(c) (5) of Regulation Z.

11. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(c) (7) of Regulation Z.

12. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not a part of the finance charge, and the finance charge, and describe that sum as the "deferred payment price", as required by § 226.8(c) (8) (ii) of Regulation Z.

13. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.

14. Failing to furnish the customer a statement containing the disclosures required by § 226.8 of Regulation Z, in the manner and form as prescribed by § 226.8 (a) of Regulation Z.

15. Failing, in any transaction in which a security interest or the future right to a security interest is retained or acquired in real property which is used or expected to be used as the principal residence of the customer, to comply with all requirements regarding the right of rescission set forth in § 226.9 of Regulation Z.

16. Making any physical changes in a customer's property or performing any work or services on such property before expiration of the three-day rescission period provided for in § 226.9(a) of Regulation Z, in any transaction in which a security interest or the future right to a security interest is retained or acquired in real property which is used or is expected to be used as the principal residence of the customer, as provided in § 226.9(c) of Regulation Z.

17. Supplying, orally or in writing, any information to a customer so as to mislead or confuse the customer, or contradict, obscure, or detract attention from the information required by Regulation Z, in violation of § 226.6(c) of Regulation Z.

18. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

II. *It is ordered*, That respondent Greater Kansas City Gas Furnace & Air Conditioning Company, Inc., a corporation, and its officers, and Dennis G. Svejda, individually and as an officer of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the transfer of any indebtedness in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Assigning, selling, or otherwise transferring respondents' notes, contracts, or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract, or other such documents evidencing the indebtedness.

2. Failing to include the following statement clearly and conspicuously on the face of any note, contract, or other instrument of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

It is further ordered, That respondents shall, within thirty (30) days after service upon them of this order, deliver notice of the right of rescission, in the number, manner, and form set forth in §§ 226.9 (b) and (f) of Regulation Z, to each customer in each transaction entered into by respondents on or after July 1, 1969, in which a security interest or the future right to a security interest was retained or acquired in any real property which, at the time of the transaction, was used or was expected to be used as the principal residence of the customer, and that respondents shall perform all obligations set forth in § 226.9(d) of Regulation Z in any such transaction if the customer exercises the right of rescission within the time and in the manner prescribed in § 226.9(a) of Regulation Z.

It is further ordered, That respondents shall maintain adequate records, to be furnished upon the request of the Federal Trade Commission, which disclose compliance with the paragraph above.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen and/or other persons engaged in the sale of respondents' products and/or services, and to all present and future personnel of respondents, engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising of that consumer credit, and shall secure from each such salesman and/or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued August 2, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-19103 Filed 9-7-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Releases 33-5416, 34-10363, 35-18067, 40-7955, AS-146]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Effect of Treasury Stock Transactions on Accounting for Business Combinations

In August 1970 the Accounting Principles Board (APB) of the American Institute of Certified Public Accountants (AICPA) issued Opinion No. 16, "Business Combinations," which identifies certain conditions which must be present (or in some cases absent) if a business combination is to be accounted for as a pooling of interests. Two of these conditions, which are set forth in paragraphs 47-c and 47-d, include provisions related to the reacquisition of voting common stock within two years prior to initiation and between initiation and consummation of a business combination which is planned to be accounted for by the pooling-of-interests method. The Commission has observed that these provisions have been subject to varying interpretations in practice, and has concluded that certain of these interpretations are not compatible with concepts underlying the Opinion. Accordingly, this release sets forth the Commission's conclusions as to certain problems relating to the effect of treasury stock transactions on accounting for business combinations.

When cash or other assets are used or liabilities are incurred to effect a business combination, APB Opinion No. 16 concludes that the combination should be accounted for as a purchase. This concept might be circumvented if cash or other assets were used or liabilities were incurred to reacquire common shares and common shares were then exchanged to consummate the combination. Therefore, for the pooling-of-interests method to apply, paragraph 47-c of the Opinion requires that "none of the combining companies changes the equity interest of the voting common stock in contemplation of effecting the combination either

within two years before the plan of combinations is initiated or between the dates the combination is initiated and consummated; * * *." Further, paragraph 47-d stipulates that "each of the combining companies [may reacquire] shares of voting common stock only for purposes other than business combinations * * *."

In some cases it is difficult to determine the purposes of treasury stock acquisitions. An AICPA Accounting Interpretation of Opinion No. 16 (No. 20 issued September 1971) states: "In the absence of persuasive evidence to the contrary, however, it should be presumed that all acquisitions of treasury stock during the two years preceding the date a plan of combination is initiated (or from October 31, 1970, to the date of initiation if that period is less than two years) and between initiation and consummation were made in contemplation of effecting business combinations to be accounted for as a pooling of interests. Thus, lacking such evidence, this combination would be accounted for by the purchase method regardless of whether treasury stock or unissued shares or both are issued in the combination." The Commission believes that this presumption and conclusion should be followed.

In determining the purposes of treasury stock acquisitions, it is ordinarily appropriate to focus on the intended subsequent distribution of common shares rather than on the business reasons for acquiring treasury shares. For example, shares may be reacquired because management believes the company is overcapitalized or considers that "the price is right," but such reasons do not overcome the presumption that they were acquired in contemplation of effecting business combinations to be accounted for as poolings of interests. On the other hand, the presumption may be overcome when shares are acquired for a specific use unrelated to business combinations such as stock option or purchase plans or stock dividends, are associated with a combination accounted for as a purchase, or are acquired to resolve an existing contingent share agreement. However, the mere assertion that common shares are reacquired for such purposes, even where the assertion is formalized by action of the board of directors reserving the treasury shares, does not provide persuasive evidence that they were not reacquired in contemplation of pooling-of-interests combinations. If a resolution of the board of directors or other statement of intent were sufficient to provide persuasive contrary evidence, the restrictions on treasury stock acquisitions would be totally ineffective. Accordingly, while a board resolution made prior to acquisition of treasury shares may be useful evidence as to corporate intent, reference also must be made to the actual or probable issuance of shares for purposes unrelated to pooling-of-interests business combinations.

When treasury shares are acquired during a period beginning two years prior to initiation and ending at the date of consummation of a business combination to be accounted for as a pooling of interests (hereinafter referred to as the "restricted period") the issuance of an equivalent number of shares prior to the date of consummation would generally provide persuasive evidence that the treasury shares were not acquired in contemplation of the combination. The shares issued may be treasury shares or previously unissued shares since, with regard to the equity interests of the common shareholders, there is no substantive difference between the two. Thus, a company might "cure" a condition which would preclude pooling-of-interests accounting by selling common shares prior to consummation of the combination. The "cure" could not be effected by merely retiring treasury shares.

Paragraph 47-d of APB Opinion No. 16 includes the statement that "treasury stock acquired for purposes other than business combinations includes shares for stock option and compensation plans and other recurring distributions provided a systematic pattern of reacquisitions is established at least two years before the plan of combination is initiated." Further, "a systematic pattern of reacquisitions may be established for less than two years if it coincides with the adoption of a new stock option or compensation plan." In AICPA Accounting Interpretation No. 20 of Opinion No. 16, no reference is made to a systematic pattern of reacquisition, and some accountants have asserted that this test has been effectively superseded. The Commission does not accept this assertion. Accordingly, the Commission concludes that treasury shares acquired in the restricted period for recurring distributions should be considered "tainted" unless they are acquired in a systematic pattern of reacquisitions established at least two years before the plan of combination is initiated (or coincidentally with the adoption of a new stock option or compensation plan) and there is reasonable expectation that shares will be issued for such purposes.

A systematic pattern of reacquisitions might be demonstrated by the reacquisition of a specified number of shares in successive time periods, e.g., 1,000 shares per month. A systematic pattern might also be demonstrated where, pursuant to a formal reacquisition plan, shares are acquired based on specified criteria such as the market price of the stock and cash availability. The criteria of the reacquisition plan must be sufficiently explicit so that the pattern of reacquisitions may be objectively compared to the plan. Unanticipated interruptions caused by legal constraints on a company's ability to reacquire shares would not upset an otherwise systematic pattern of reacquisitions.

The determination of whether there is reasonable expectation that shares will be issued for the stated purposes of acquiring the shares is a matter of judgment. Generally, there would appear to be such reasonable expectation where the following circumstances exist at the time a reacquisition plan is adopted or shares are reacquired:

1. As to stock option plans, warrants or convertible securities, the quoted price of the common shares is not less than 75 percent of the exercise or conversion price.

2. As to stock purchase or bonus plans or stock dividends, either (a) shares are reacquired to fulfill existing commitments or dividends declared or (b) based on a pattern of issuing shares for such purposes in the prior two years, the shares are reacquired to fulfill anticipated requirements in the succeeding year.

A systematic pattern of reacquisitions test would not apply to treasury shares acquired for issuance in a specific "purchase" business combination or to resolve an existing contingent share agreement from a prior business combination, as these issuances would not be regarded as recurring distributions. Thus, shares acquired and reserved for these purposes at the date a pooling-of-interests business combination is consummated would not be regarded as "tainted" when, based on current negotiations, presently existing earnings levels or market price of shares, etc., there is reasonable expectation that shares will be issued for the stated purposes.

APB Opinion No. 16 does not discuss treasury share acquisitions subsequent to consummation of a business combination. In specific fact situations, subsequent reacquisitions may be so closely related to the prior combination that they should be considered part of the combination plan. Thus, significant reacquisitions closely following a combination which otherwise qualifies as a pooling of interests may invalidate the applicability of that method. Conversely, significant reacquisitions following a combination accounted for as a purchase might be associated with that purchase and would not adversely affect subsequent pooling combinations.

Because of the varying interpretations which have existed in practice, and the confusion which restated financial statements may cause to investors, the Commission has concluded that the accounting for business combinations which were completed prior to the issuance of this release should not be revised. The interpretation set forth herein should be applied to all subsequent business combinations even though shares issued in these combinations may have been reacquired prior to the date of this release.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

AUGUST 24, 1973.

[FR Doc.73-18996 Filed 9-7-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-73-234]

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Changes in Interest Rates

The following amendments are being made to this chapter to change the maximum interest rate which may be charged on a mortgage insured by this Department from 7¾ percent to 8½ percent. The Secretary has determined that such change is necessary to meet the mortgage market, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective August 25, 1973.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after August 25, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to loans insured on or after August 25, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709.)

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

Section 205.50 is amended to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973.

(Sec. 1011, formerly Sec. 1010, 79 Stat. 464, 12 U.S.C. 1749jj; renumbered P.L. 89-754, Sec. 401(a), 80 Stat. 1271.)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713.)

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

1. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

2. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after August 25, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e.)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k.)

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l.)

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 232, 73 Stat. 663; 12 U.S.C. 1715w.)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after August 25, 1973.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 234, 75 Stat. 160; 12 U.S.C. 1715y.)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages insured on or after August 25, 1973.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 235, 82 Stat. 477; 12 U.S.C. 1715z.)

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1.)

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent per annum with respect to loans insured on or after August 25, 1973. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 241, 82 Stat. 508; 12 U.S.C. 1715z-b.)

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z-7.)

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 25, 1973.

* * * * *

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa-3)

Effective date.—These amendments are effective as of August 25, 1973.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.73-19183 Filed 9-7-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Sales of Timber

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 9828 of the FEDERAL REGISTER of April 20, 1973 (38 FR 9828), there was published a notice of proposed rulemaking to revise §§ 141.7, 141.9, 141.12, 141.16, and 141.19 of Title 25 of the Code of Federal Regulations. The purpose of the revision is to increase the stumpage value limitation stated in §§ 141.7(c), 141.12, and 141.19(d) from $500 to $2,500; to increase the stumpage value limitation stated in § 141.9(b) from $5,000 to $10,000; to increase advance payments for allotment timber stated in § 141.16 from 15 to 25 percent of the stumpage value, calculated at the bid price, within 30 days of contract approval and before cutting begins, in contracts that are more than 3 years duration per- to make additional payments in contracts that are more than 3 years duration permissive, rather than mandatory as now stipulated by regulation; and to make editorial changes. The regulations were proposed pursuant to the authority contained in secs. 7, 8, 36 Stat. 857, 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 986, 25 U.S.C. 466; 47 Stat. 1417, 25 U.S.C. 413.

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

The revised 25 CFR §§ 141.7, 141.9, 141.12, 141.16, and 141.19 shall become effective on October 10, 1973.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

AUGUST 31, 1973.

§ 141.7 Timber sales from unallotted and allotted lands.

(a) On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber and by the owners of a majority Indian interest in trust or restricted timber on allotted lands. The consent of the Secretary is required in all cases.

(b) The Secretary may sell the timber on any Indian land held under a trust or other patent containing restrictions on alienations without the consent of the owners when in his judgment such action is necessary to prevent loss of values resulting from fire, insects, disease, windthrow, or other catastrophes.

(c) Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $2,500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding $2,500 in value, the timber shall be appraised and sold at not less than its appraised value.

§ 141.9 Timber sales without advertisement.

Sales of timber may be made without advertisement with the consent of the authorized representative of the tribe for tribal timber or with the consent of the owners of a majority Indian interest in trust or restricted timber on allotted lands, and the approval of the Secretary: (a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding $10,000. Such contracts shall not be made for a longer term than 2 years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any 1 calendar year. In the case of each nego-

tiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

§ 141.12 Contracts required.

Except as provided in § 141.19(c), in sales of timber with an appraised stumpage value exceeding $2,500 the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. The approved forms provide flexibility to meet variable conditions, but essential departures from the fundamental requirements of such contracts shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. Contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion.

§ 141.16 Advance payment for allotment timber.

Unless otherwise authorized by the Secretary, and except in the case of lump sum sales, contracts for the sale of timber from trust allotments shall provide for the payment of 25 percent of the stumpage value, calculated at the bid price, within 30 days from the date of approval and before cutting begins. Additional advance payments may be specified in contracts that are more than 3 years in duration; however, no advance payment will be required that would make the sum of such payment and of advance deposits and advance payments previously applied against timber cut from the allotment exceed 50 percent of the bid stumpage value. The advance payments shall be credited against the allotment timber as it is cut and scaled, at the stumpage rates governing at the time of scaling.

§ 141.19 Timber cutting permits.

(a) Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under timber cutting permit forms approved by the Secretary. Permits will be issued only with the consent of the Indian owner or the Secretary, for allotted lands, as authorized in § 141.13(b). Such consents to the issuance of cutting permits shall stipulate the minimum stumpage rates at which timber may be sold under permit.

(b) Free-use cutting permits may be issued for specified species and types of forest products by persons authorized under § 141.13 to execute timber contracts. Timber cut under this authority may be limited as to sale or exchange for other goods or services.

(c) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 141.18. Unless waived by the Secretary, the permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his discretion for planting or other work to offset damage to the land or the timber caused by the Indian's failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interests. In special cases, the Secretary may authorize exceptions to the requirement of sole beneficial interest in an allotment.

(d) Permits to be valid must be approved by the Secretary. The stumpage value which may be cut in 1 calendar year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $2,500, but this limitation shall not apply to cutting under authority in paragraph (c) of this section. Essential departures from the fundamental requirements for issuance of special allotment timber cutting permits under authority of paragraph (c) of this section shall be made only with the approval of the Secretary.

[FR Doc.73-19099 Filed 9-7-73;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Appendix A—Cost-Effectiveness Analysis

On July 3, 1973, notice was published in the FEDERAL REGISTER that the Environmental Protection Agency was proposing guidelines on cost-effectiveness analysis pursuant to section 212(2)(c) of the Federal Water Pollution Act Amendments of 1972 (the Act) to be published as appendix A to 40 CFR part 35.

Written comments on the proposed rulemaking were invited and received from interested parties. The Environmental Protection Agency has carefully considered all comments received. No changes were made in the guidelines as earlier proposed. All written comments are on file with the agency.

Effective date.—These regulations shall become effective October 10, 1973.

Dated September 4, 1973.

JOHN QUARLES,
Acting Administrator.

APPENDIX A

COST EFFECTIVENESS ANALYSIS GUIDELINES

a. *Purpose.*—These guidelines provide a basic methodology for determining the most cost-effective waste treatment management system or the most cost-effective component part of any waste treatment management system.

b. *Authority.*—The guidelines contained herein are provided pursuant to section 212(2)(C) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

c. *Applicability.*—These guidelines apply to the development of plans for and the selection of component parts of a waste treatment management system for which a Federal grant is awarded under 40 CFR, Part 35.

d. *Definitions.*—Definitions of terms used in these guidelines are as follows:

(1) *Waste treatment management system.*—A system used to restore the integrity of the Nation's waters. Waste treatment management system is used synonymously with "treatment works" as defined in 40 CFR, Part 35.905-15.

(2) *Cost-effectiveness analysis.*—An analysis performed to determine which waste treatment management system or component part thereof will result in the minimum total resources costs over time to meet the Federal, State or local requirements.

(3) *Planning period.*—The period over which a waste treatment management system is evaluated for cost-effectiveness. The planning period commences with the initial operation of the system.

(4) *Service life.*—The period of time during which a component of a waste treatment management system will be capable of performing a function.

(5) *Useful life.*—The period of time during which a component of a waste treatment management system will be required to perform a function which is necessary to the system's operation.

e. *Identification, selection and screening of alternatives*—(1) *Identification of alternatives.*—All feasible alternative waste management systems shall be initially identified. These alternatives should include systems discharging to receiving waters, systems using land or subsurface disposal techniques, and systems employing the reuse of wastewater. In identifying alternatives, the possibility of staged development of the system shall be considered.

(2) *Screening of alternatives.*—The identified alternatives shall be systematically screened to define those capable of meeting the applicable Federal, State, and local criteria.

(3) *Selection of alternatives.*—The screened alternatives shall be initially analyzed to determine which systems have cost-effective potential and which should be fully evaluated according to the cost-effectiveness analysis procedures established in these guidelines.

(4) *Extent of effort.*—The extent of effort and the level of sophistication used in the cost-effectiveness analysis should reflect the size and importance of the project.

f. *Cost-Effective analysis procedures*—(1) *Method of Analysis.*—The resources costs shall be evaluated through the use of opportunity costs. For those resources that can be expressed in monetary terms, the interest (discount) rate established in section (f)(5) will be used. Monetary costs shall be calculated in terms of present worth values or equivalent annual values over the planning period as defined in section (f)(2). Nonmonetary factors (e.g., social and environmental) shall be accounted for descriptively in the analysis in order to determine their significance and impact.

The most cost-effective alternative shall be the waste treatment management system determined from the analysis to have the lowest present worth and/or equivalent annual value without overriding adverse nonmonetary costs and to realize at least identical minimum benefits in terms of applicable Federal, State, and local standards for effluent quality, water quality, water reuse and/or land and subsurface disposal.

(2) *Planning period.*—The planning period for the cost-effectiveness analysis shall be 20 years.

(3) *Elements of cost.*—The costs to be considered shall include the total values of the resources attributable to the waste treatment management system or to one of its component parts. To determine these values, all monies necessary for capital construction costs and operation and maintenance costs shall be identified.

Capital construction costs used in a cost-effectiveness analysis shall include all contractors' costs of construction including overhead and profit; costs of land, relocation, and right-of-way and easement acquisition; design engineering, field exploration, and engineering services during construction; administrative and legal services including costs of bond sales; startup costs such as operator training; and interest during construction. Contingency allowances consistent with the level of complexity and detail of the cost estimates shall be included.

Annual costs for operation and maintenance (including routine replacement of equipment and equipment parts) shall be included in the cost-effectiveness analysis. These costs shall be adequate to ensure effective and dependable operation during the planning period for the system. Annual costs shall be divided between fixed annual costs and costs which would be dependent on the annual quantity of wastewater collected and treated.

(4) *Prices.*—The various components of cost shall be calculated on the basis of market prices prevailing at the time of the cost-effectiveness analysis. Inflation of wages and prices shall not be considered in the analysis. The implied assumption is that all prices involved will tend to change over time by approximately the same percentage. Thus, the results of the cost effectiveness analysis will not be affected by changes in the general level of prices.

Exceptions to the foregoing can be made if their is justification for expecting significant changes in the relative prices of certain items during the planning period. If such cases are identified, the expected change in these prices should be made to reflect their future relative deviation from the general price level.

(5) *Interest (discount) rate.*—A rate of 7 percent per year will be used for the cost-effectiveness analysis until the promulgation of the Water Resources Council's "Proposed Principles and Standards for Planning Water and Related Land Resources." After promulgation of the above regulation, the rate established for water resource projects shall be used for the cost-effectiveness analysis.

(6) *Interest during construction.*—In cases where capital expenditures can be expected to be fairly uniform during the construction period, interest during construction may be calculated as $I \times \frac{1}{2} P \times C$ where:

I=the interest (discount) rate in Section f(5).
P=the construction period in years.
C=the total capital expenditures.

In cases when expenditures will not be uniform, or when the construction period will be greater than three years, interest during construction shall be calculated on a year-by-year basis.

(7) *Service life.*—The service life of treatment works for a cost-effectiveness analysis shall be as follows:

Land	Permanent
Structures (includes plant buildings, concrete process tankage, basins, etc.; sewage collection and conveyance pipelines; lift station structures; tunnels; outfalls)	30–50 years
Process equipment (includes major process equipment such as clarifier mechanism, vacuum filters, etc.; steel process tankage and chemical storage facilities; electrical generating facilities on standby service only).	15–30 years
Auxiliary equipment (includes instruments and control facilities; sewage pumps and electric motors; mechanical equipment such as compressors, aeration systems, centrifuges, chlorinators, etc.; electrical generating facilities on regular service).	10–15 years

Other service life periods will be acceptable when sufficient justification can be provided.

Where a system or a component is for interim service and the anticipated useful life is less than the service life, the useful life shall be substituted for the service life of the facility in the analysis.

(8) *Salvage value.*—Land for treatment works, including land used as part of the treatment process or for ultimate disposal of residues, shall be assumed to have a salvage value at the end of the planning period equal to its prevailing market value at the time of the analysis. Right-of-way easements shall be considered to have a salvage value not greater than the prevailing market value at the time of the analysis.

Structures will be assumed to have a salvage value if there is a use for such structures at the end of the planning period. In this case, salvage value shall be estimated using straightline depreciation during the service life of the treatment works.

For phased additions of process equipment and auxiliary equipment, salvage value at the end of the planning period may be estimated under the same conditions and on the same basis as described above for structures.

When the anticipated useful life of a facility is less than 20 years (for analysis of interim facilities), salvage value can be claimed for equipment where it can be clearly demonstrated that a specific market or reuse opportunity will exist.

[FR Doc.73-19104 Filed 9-7-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Frankfurters and Certain Other Cooked Sausage Products; Correction

The notice published in the FEDERAL REGISTER of August 23, 1973 (38 FR 22621, FR Doc. 73-17902) concerning the postponement of the effective date of amended regulations for frankfurters and certain other cooked sausage products contains an error. In the fourth paragraph, the third line, the date "May 5, 1973" should read "May 5, 1971."

Done at Washington, D.C., on September 4, 1973.

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

[FR Doc.73-19126 Filed 9-7-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 73-GL-8; Amdt. 39-1715]

PART 39—AIRWORTHINESS DIRECTIVES

Allison Model 250-C20 Engines

There have been failures of Part Number 6875621 fuel tube assemblies in Detroit Diesel Allison Model 250-C20 engines, which caused complete engine stoppage and the release of fuel into the engine compartment. The manufacturer has determined that similar failures could occur. Consequently, it has issued Allison Commercial Engine Bulletin No. 250-C20 CEB-1040 to provide additional supports for the fuel tube to prevent failure. Since the condition described herein may exist or develop in other engines of this same type design, an Airworthiness Directive is being issued requiring installation of the added fuel tube supports specified in Allison Commercial Engine Bulletin No. 250-C20 CEB-1040.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not practical and good cause exists for making this amendment effective in less than thirty days. In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ALLISON. Applies to Detroit Diesel Allison Model 250-C20 engine.

Compliance required within the next fifty hours time in service unless already accomplished.

To prevent failure of the P/N 6875621 power turbine governor-to-fuel control fuel tube, install the fuel tube supports specified in Allison Commercial Engine Bulletin 250-C20 CEB-1040 dated May 10, 1973, Revision 1 dated June 28, 1973, or later FAA approved revisions or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

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

Issued in Des Plaines, Illinois, on August 31, 1973.

This amendment is effective September 14, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-19121 Filed 9-7-73;8:45 am]

[Airworthiness Docket No. 73-SW-28; Amdt. 39-1711]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection for sharp notches in the thread root and the thread relief groove of main rotor blade grips, P/N 47-120-135-1, -2, -3 or P/N 47-120-252-1, -3 on Bell Model 47 series helicopters was published in 38 FR 19048.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One letter was received that recommended retirement of the affected main rotor grips, P/N 47-120-135-1, -2, and 47-120-252-1 and -3, without regard to their condition. Since compliance with the proposed inspections will assure airworthiness of these grips, the rule is herein published as proposed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Model 47 series helicopters certificated in all categories that are equipped with main rotor blade grips, P/N 47-120-135-1, -2, -3 or P/N 47-120-252-1, -3.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent possible fatigue cracks from developing, accomplish the following for each main rotor blade grip:

(a) Inspect the grip thread relief fillet. The inboard radius and bottom of the fillet must have a smooth finish and be free of nicks or sharp tool marks (Ref. Figure 1-22 of Bell 47D-1, 47G and 47G-2 Maintenance and Overhaul Instructions).

(b) Inspect the root radius of the 4½ inch diameter threads for sharp notches. The root radius must be smooth and free of sharp notches or grooves.

(c) If the grip thread relief fillet is not as specified in subparagraph (a) or has nicks or sharp tool marks, or if the thread root radius has a sharp notch or groove, replace the affected grip prior to next flight, except the helicopter may be flown in accordance with FAR 21.197 to a base where the grip may be replaced.

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

This amendment becomes effective October 10, 1973.

Issued in Fort Worth, Texas, on August 28, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-19118 Filed 9-7-73;8:45 am]

[Docket No. 73-NW-11-AD; Amdt. 39-1713]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

There have been several cracks of the web and lower flange on the aft portion of the inboard flap track of the outboard T.E. flap on Boeing 737 series aircraft. These cracks, if allowed to progress, could result in loss of the outboard T.E. flap. Since this condition is likely to exist or develop in other airplanes of the same design, an Airworthiness Directive is being issued to require inspection of the flap track for cracks and repair if necessary on all affected Boeing 737 series aircraft.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to inboard flap track P/N 65-46428-5 or -7 of the outboard T.E. flap installation of all Boeing 737 series aircraft certified in all categories.

Compliance required, on track P/N 65-46428-5 or -7 with 7000 or more flights, wtihin the next 400 flights, unless already accomplished within the last 800 flights, and at intervals thereafter not to exceed 1200 flights from the last inspection.

(a) To detect cracks in the aft portion of the webs and lower flanges of the inboard track P/N 65-46428-5 or -7 of the outboard flap, conduct the inspections called for in paragraph 4 of Boeing Alert Service Bulletin 737-57-1082 or later FAA approved Revisions.

(b) If cracks are detected, accomplish one of the following:

(1) Repair in accordance with instruction contained in Boeing Customer Support Engineering letter 6-2710-1893 dated 16 August, 1973 or repair instructions provided in revisions to Boeing Alert Service Bulletin 737-57-1082 or in a manner approved by Chief, Engineering and Manufacturing Branch, FAA, Northwest Region. Tracks with cracks extending beyond the limits of these repair instructions must be replaced per (2) or (3) below.

(2) Replace the track with a similar track P/N 65-46428-5 or -7 and conduct the inspections required by this Directive.

(3) Replace with track P/N 65-46428-11. Installation of this track constitutes terminating action.

(c) Tracks repaired in accordance with (b)(1) above are to be reinspected using dye penetrant or eddy current inspection methods at intervals not to exceed:

(1) 3,000 flights—for tracks with repaired flanges.

(2) 1,000 flights—for tracks with a web cracked between two fastener holes.

(3) 500 flights—for tracks with cracks stopped drilled and ending in the web.

(d) For the purpose of complying with this Airworthiness Directive, subject to acceptance by the assigned FAA maintenance inspector, the number of flights may be determined by dividing each airplane's hours' time-in-service by the operator's fleet average time from takeoff to landing for the airplane type.

The manufacturing specification and procedures identified and described in this Directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), and 1421, and 1923); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

This amendment becomes effective on September 10, 1973.

Issued in Seattle, Washington, on August 30, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-19120 Filed 9-7-73;8:45 am]

[Docket No. 73-NE-8; Amdt. 39-1712]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Model JT3D Engines

Amendment 39-1687 (38 FR 18641) AD 73-15-2 requires the inspection of the turbine nozzle case on JT3D Engines for missing lugs within 1,000 hours time in service and at 1,000 hour intervals thereafter. After issuing amendment 39-1687, the agency determined that turbine nozzle cases with part number 669045 had been inadvertently omitted from the coverage of the AD. Therefore, the AD is being amended to include turbine nozzle case part number 669045 within the provisions of the applicability paragraph of the AD.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation regulations, is amended by inserting the numbers 669045 after the numbers 626669 in the applicability paragraph.

This amendment becomes effective September 14, 1973.

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

Issued in Burlington, Massachusetts, on August 29, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-19119 Filed 9-7-73;8:45 am]

[Airspace Docket No. 72-CE-29]

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

Designation of Transition Area

On page 16913 of the FEDERAL REGISTER dated June 27, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Red Oak, Iowa.

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

No objections have been received and the proposed amendment is hereby

adopted without change and is set forth below.

(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).))

This amendment shall be effective 0901 G.m.t., November 8, 1973.

Issued in Kansas City, Missouri, on August 21, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

In § 71.181 (38 FR 435), the following transition area is added:

RED OAK, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Red Oak Municipal Airport (latitude 41°00'40" N., longitude 95°15'25" W.); and within 3 miles each side of a 335° bearing from the Red Oak Municipal Airport, extending from the 6-mile radius to 9½ miles northwest of the airport; and that airspace extending from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 335° bearing from the Red Oak, Iowa Airport extending from the airport to 18½ miles northwest of the airport.

[FR Doc.73-19122 Filed 9-7-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-821; Amdt. 208-3]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Prohibited Control of a Supplemental Air Carrier; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By Order 73-8-17, adopted August 2, 1973, the Board denied the various "routine" petitions for rule making filed in the Supplemental Renewal Proceeding, Docket 23944, including a request by Capitol International Airways, Inc. (Capitol) to amend Part 208 of the Economic Regulations so as to delete § 208.31[1] in its entirety. In denying this request, the Board stated that although it was not persuaded to delete this provision entirely, it would in due course revise the section so as to conform with the present text of section 408(a)5) of the Federal Aviation Act, 49 U.S.C. 1378 (a)(5). Upon further consideration, we have now decided that § 208.31 of our regulations may indeed be deleted, as superfluous.

Section 208.31 was adopted long before the 1969 amendment to the Act, at a time when approval of the acquisition of control of an air carrier was required only if the acquirer was one of the persons specifically described in the Act, to wit, any air carrier or person controlling an air carrier, any other common carrier, or any other person engaged in any other phase of aeronautics. Section 208.31 of our regulations therefore imposed special requirements applicable to acquisition of control of supplemental air carriers by certain persons not specified in the Act. However, Public Law 91-62,[2] inter alia, amended section 408(a)(5) so as to require Board approval of the acquisition of control of any air carrier by "any * * * person," rather than only those specifically described.[3] Thus there is no longer any real need for retaining our special regulation with respect to acquisition of control of one particular class of air carrier by certain particular persons.

Since this amendment is editorial in nature, in that it merely deletes a regulation which has become superfluous, and it imposes no burden on any person, the Board finds that notice and public procedure hereon are unnecessary, and the amendment may become effective immediately.

Accordingly, the Board hereby amends Part 208 of its Economic Regulations (14 CFR, Part 208) effective September 4, 1973, as follows:

1. Amend the Table of Contents of Subpart A of Part 208, by deleting and reserving § 208.31, as follows:

Sec.
208.31 [Reserved]

§ 208.31 [Reserved]

2. Delete and reserve § 208.31.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-19166 Filed 9-7-73;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-54; Amdt. 399-33]

PART 399—STATEMENTS OF GENERAL POLICY

Treatment of Depreciation of Wide-Bodied Aircraft for Rate Purposes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

In notice of proposed rule making PSDR-34,[1] the Board proposed to amend Part 399 of the regulations, Statements of General Policy (14 CFR, Part 399), to assign a common depreciation life of 16 years to all wide-bodied aircraft for rate-making purposes.

Pursuant to the notice, comments have been filed by the Department of Defense and Pan American World Airways, Inc. Upon consideration, the Board has determined to adopt the rule as proposed. The tentative findings and conclusions set forth in PSDR-34 are incorporated herein and made final.

The comment of the Department of Defense supports the proposed rule. Pan American does not object to a common service life for all wide-bodied aircraft, but it contends that that service life should be set at 15 years rather than 16 years. This request is denied.

Pan American argues that the weighted average service life of all (three-engine and four-engine) owned and leased wide-bodied aircraft is closer to 15 than 16 years, and that the average service life for owned B-747 aircraft is 14.6 years. With respect to their first point, we are not concerned in this proceeding with reviewing the reasonableness of the rates set for three-engine equipment, the question here being the reasonableness of using 16 years for the B-747. As to the latter, we tentatively found in the notice, and affirm here, that 16 years was reasonable even though at the top of the range for owned aircraft, since it represented the average for leased aircraft. In our judgment, reliance on the average for leased aircraft is fully warranted in light of the considerations expressed in our determination in Phase I of the Domestic Passenger-Fare Investigation.[2]

Pan American also asserts that the lesser flexibility of four-engine wide-bodied equipment must be taken into account. As we pointed out in the notice, the anticipated increase in traffic density should prolong the useful life of the four-engine wide-body to such an extent as to offset any lack of flexibility it may ultimately have vis-a-vis its three-engined counterparts.

Finally, it may be noted that Pan American, the only carrier to question

---

[1] 14 CFR § 208.31. Section 208.31 provides as follows:

§ 208.31 *Prohibited control of a supplemental air carrier.*

Control of a supplemental air carrier shall not, without prior application to and approval by the Board, be transferred, directly or indirectly, by assignment, transfer of voting stock, or otherwise, to any person who controlled, or participated in control of, as a partner, officer, or director, any air carrier theretofore found by the Board to have committed knowing and willful violations of the Civil Aeronautics Act of 1938, as amended, the Federal Aviation Act of 1958, or any order, rule, or regulation issued pursuant to said Acts during the period such person controlled or participated in the control of said air carrier. Any such application may be approved by the Board with or without hearing. No such application shall be denied unless the Board finds, after notice to said supplemental air carrier and the parties to the proposed transfer, and after opportunity for hearing, that, in the event the proposed transfer is consummated, said supplemental air carrier will thereby be rendered unfit, unwilling, or unable to conform to the provisions of the Federal Aviation Act of 1958, and the rules, regulations, and requirements of the Board thereunder. For the purposes of this section, a transfer of 20% or more of the voting stock of the supplemental air carrier shall be deemed to constitute prima facie evidence of a transfer of control so as to require the filing of an appropriate application with the Board.

[2] 83 Stat. 103, approved by the President on August 20, 1969.

[3] Section 408(a)(5) was also amended by the addition of a proviso authorizing the Board to exempt by order any such acquisition of a noncertificated air carrier from this requirement to the extent and for such periods as may be in the public interest.

[1] 38 FR 14695, June 4, 1973 (Docket 25569).

[2] PS-45, 36 FR 7228, April 16, 1971 (Docket 21866-1).

the 16-year life, depreciates its own B-747 aircraft over a period of 16 years for accounting purposes.

Since the rule is a statement of policy the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399 of the Statements of General Policy (14 CFR, Part 399) as follows:

Amend § 399.42, the section as amended to read as follows:

§ 399.42 Flight equipment depreciation and residual values.

For rate-making purposes, it is the policy of the Board that flight equipment depreciation will be based on the conventional straight-line method of accrual, employing the service lives and residual values set forth below:

	Service life in years	Residual value as percent of cost
		Percent
Turbofan equipment:		
4-engine	14	2
3-engine	14	2
2-engine	14	2
Turbojet equipment:		
4-engine	10	5
2-engine	10	5
Turboprop equipment:		
4-engine	12	5
2-engine	10	15
Wide-body equipment:		
4-engine	16	10
3-engine	16	10

* * * * *

(Sections 204 and 404 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 760 (49 U.S.C. 1324 and 1374).)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-19164 Filed 9-7-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PYROGALLOL AND FERRIC AMMONIUM CITRATE; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing pyrogallol and ferric ammonium citrate for safe use in coloring plain and chromic catgut sutures:

1. Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of May 16, 1973 (38 FR 12803). Accordingly, the regulations (§§ 8.6017 and 8.6018) promulgated thereby became effective July 16, 1973.

2. Effective September 10, 1973, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (f) by deleting "Ferric ammonium citrate" and "Pyrogallol" from the list of color additives.

Dated August 31, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-19088 Filed 9-7-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

DIISONONYL PHTHALATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2752) filed by Esso Research and Engineering Co., Post Office Box 111, Linden, NJ 07036, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of diisononyl phthalate as a plasticizer in vinyl chloride homo- and/or copolymer films for food contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2511 is amended in paragraph (b) by alphabetically adding a new item to the list of substances, as follows:

§ 121.2511 Plasticizers in polymeric substances.

* * * * *

(b) List of substances:

	Limitations
* * * * *	
Diisononyl phthalate.	For use only at levels not exceeding 43 percent by weight of permitted vinyl chloride homo- and/or copolymers used in contact with food only of the types identified in § 121.2526(c), Table 1, under categories I, II, IV-B, and VIII, at temperatures not exceeding room temperature. The average thickness of such polymers in the form in which they contact food shall not exceed 0.005 inch.
* * * * *	

Any person who will be adversely affected by the foregoing order may at any time on or before October 10, 1973, file with the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on September 10, 1973.

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

Dated August 31, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-19087 Filed 9-7-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Prednisolone Tertiary Butylacetate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-080V) filed by Merck Sharp & Dohme Research Laboratories, Div. of Merck & Co., Inc., Rahway, NJ 07065, proposing revised labeling for the safe and effective use of prednisolone *tertiary* butylacetate as an anti-inflammatory agent for the treatment of horses, dogs, and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 135b:

§ 135b.89 Prednisolone tertiary butylacetate suspension, veterinary.

(a) *Specifications.*—Prednisolone *tertiary* butylacetate (Pregna-1,4-diene-3, 20-dione-11B, 17α 21-triol 21-(3,3, dimethyl butyrate) suspension, veterinary contains 20 milligrams of prednisolone tertiary butylacetate per milliliter. It is sterile.

(b) *Sponsor.*—See code No. 023 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used as an anti-inflammatory agent in horses, dogs, and cats.

(2) It is administered to horses intramuscularly at a dosage level of 100 to 300 milligrams and intrasynovially at a dosage level of 50 to 100 milligrams. It is administered intramuscularly to dogs and cats at a dosage level of 1 milligram per 5 pounds of body weight and intrasynovially at a dosage level of 10 to 20 milligrams. Intramuscular retreatment of horses in 24 to 48 hours may be necessary, depending on the general condition of the animal and the severity and duration of the disease.

(3) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered late in pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective on September 10, 1973.

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

Dated August 31, 1973.

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

[FR Doc.73-19086 Filed 9-7-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Tetracycline Oral Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (65-004V) filed by the Upjohn Co., Kalamazoo, MI 49001, proposing revised indications for use of tetracycline boluses in calves. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.34 is amended by revising paragraph (b)(1) and (4), and by adding a new item 3 to table 2 in paragraph (e), as follows:

§ 135c.34 Tetracycline oral veterinary.

* * * * *

(b) *Sponsor.*—(1) See code No. 030 in § 135.501(c) of this chapter for conditions of use provided for in items 1 and 2 of tables 1 and 2 in paragraph (e) of this section.

* * * * *

(4) See code No. 037 in § 135.501(c) of this chapter for conditions of use provided for in table 1 and in table 2, items 1 and 2 in paragraph (e) of this section.

* * * * *

(e) *Conditions of use.* * * *

TABLE 2—IN BOLUSES

Ingredient	Milligrams per bolus	Limitations	Indications for use
* * *	*	* * *	* * *
3. Tetracycline.....	500	For calves; as tetracycline hydrochloride; administer orally 10 mg per lb of body weight per day divided into two daily doses for not more than 5 days; do not slaughter animals for food within 12 days of treatment; as sole source of tetracycline. Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of bacterial pneumonia caused by organisms susceptible to tetracycline and bacterial enteritis caused by *E. coli* and Salmonella organisms susceptible to tetracycline.

Effective date.—This order shall be effective September 10, 1973.

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

Dated August 29, 1973.

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

[FR Doc.73-19009 Filed 9-7-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-16—PROCUREMENT FORMS

Solicitation Documents; Standardized Request for Proposed Format and Checklist

On April 19, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 9671-9676) stating that the Department of Health, Education, and Welfare is considering an amendment to 41 CFR, Chapter 3, by adding a new § 3-16.5001, Standardized Request for Proposal (RFP) Format and Checklist for Solicitation Documents, to Subpart 3-16.50, Forms for Negotiated Procurements. The purpose of the amendment is to illustrate the acceptable minimum requirements for the format and content of requests for proposals.

Interested persons were invited to submit written data, views, or comments within 30 days after publication. Written comments were received, and after consideration of the views presented, the regulation is revised and adopted as set forth below.

(5 U.S.C. 301 (40 U.S.C. 486(c).)

Effective date.—These amendments shall become effective on September 10, 1973.

Dated August 31, 1973.

S. H. CLARKE,
Deputy Assistant Secretary for Administration and Management.

1. The table of contents for Part 3-16 is amended by adding the following entries:

Subpart 3-16.50—Forms for Negotiated Procurement

Sec.
3-16.5001 Standardized request for proposal (RFP) format and checklist for solicitation documents.

2. The new § 3-16.5001 is added as follows:

§ 3-16.5001 Standardized request for proposal (RFP) format and checklist for solicitation documents.

(a) Forms used for requesting proposals on negotiated procurements shall be in accordance with this subpart and FPR subpart 1-16.9.

(b) The purpose of these instructions is to establish the acceptable minimum requirements for the format and content of requests for proposals in order: (1) To assure that proposals are complete and contain all the essential information required by the Government, and (2) to assure a degree of uniformity in presentation which will facilitate appraisal of proposals by the Government.

(c) Generally, requests for proposals shall be in writing. Solicitations shall contain the information necessary to enable a prospective offeror to prepare a proposal, and shall contain the following information, if applicable to the procurement involved.

(d) The request for proposal shall consist of the following documents:

(1) Transmittal letter.

(2) Proposed contract provisions (including work statement).

(3) Instructions to offerors.

(i) General instructions.

(ii) Technical proposal instructions.

(iii) Business proposal instructions.

(e) Standard forms 33 and 33A will normally be used for fixed-price type contracts (procurement of hardware and administrative type supplies/services). If the forms 33 and 33A are not utilized, the business proposal instructions must include all required representations and certifications.

(f) The following format shall be utilized in preparing the transmittal letter for requests for proposals:

Date _____

Refer to RFP No._____

Gentlemen: You are invited to submit a proposal in accordance with the requirements of request for proposal No. _____ for (insert name of the procurement.

Your proposal must be received by the Contracting Officer no later than (insert date) and (time—local prevailing time) at (address to which proposals are to be sent).

Special attention is directed to the "Certification of Nonsegregated Facilities" of this solicitation. You are cautioned that failure to agree to the certification shall render your proposal nonresponsive to solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the equal opportunity clause.

Your proposal must be prepared in accordance with the attached "Contract Provisions," and "Instructions to Offerors."

The RFP does not commit the Government to pay any cost for the preparation and submission of a proposal. It is also brought to your attention that the Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with this proposed procurement.

Requests for any information concerning this RFP should be referred only to (name and title of individual) who may be called on (area code and telephone number).

Sincerely,

_____

Include any of the following statements in the transmittal letter if they are applicable:

(1) If the contract is to be conditioned on the availability of funds, a clear statement of such condition must be added (see HEWPR 3-1.354).

(2) Conference of prospective offerors. The following is to be used when a preproposal conference is required. The language may be modified to adapt to the particular situation.

A conference will be held with prospective offerors at _____ on _____ (time) _____, at _____ (date) (location) for the purpose of providing information concerning the Government's requirements which may be helpful in the preparation of proposals, and to answer any questions which you have regarding this solicitation.

The success of this type of conference depends largely on the leadtime available to the Government for research in connection with questions submitted by offerors. Therefore, you are requested to mail written questions concerning any areas of uncertainty which, in your opinion, require clarification or correction, in sufficient time to be received on or before _____. Your questions should be submitted to the Contracting Officer _____, and the envelope should be marked, "Offerors Conference Question, RFP No. _____." A set of all questions and answers will be furnished simultaneously to all prospective offerors.

Because of space limitations, prospective contractors shall be limited to a total of ____ representatives.

Attendance at the preproposal conference is recommended; however, attendance is neither required nor a prerequisite for proposal submission, and will not be considered a factor in proposal evaluation.

(3) When the procurement involves a set-aside for labor surplus area or small business concerns, insert the following statement and include the appropriate "Notice of Set-Aside" clause in the request for proposal.

The prescribed clauses are set forth in FPR 1-1.706-5 and 6; and 1-1.804-2.

This is a ____ percent set-aside for (small business) (labor surplus area concerns).

(4) If multiple awards may be made insert the following: Multiple awards: More than one award may be made under this solicitation.

(5) Insert the following, if the offeror is to be informed of the Government's estimate of the level of effort required to accomplish the required effort.

(A) The Government considers the effort to be performed to require approximate man-hours as follows: (Insert a breakdown of the Government's man-hours estimates by categories.) These estimates are furnished for the offeror's information only and are not to be considered restrictive for proposal purposes; or

(B) To assist you in the preparation of your proposal, the Government considers the effort to be performed during this contract to be approximately (insert the total figure) man-hours. This number is furnished for the offeror's information only and is not considered restrictive for proposal purposes.

(6) The clause set forth in § 1-12.1102-2, *Listing of Employment Openings*, is included herein by reference. Instructions relative to the inclusion of the clause are set forth in the same FPR reference.

(g) Proposed contract provisions (including scope of work)—Each request for proposal shall contain the proposed contract provisions including the scope of work or specifications. In addition to the scope of work or specifications, this element of the request for proposal shall contain such information as the period of performance or delivery schedule, reporting requirements, the general provisions, any additional provisions, and special contract clauses.

(h) The instructions to offerors shall consist of three parts. The first will be "General Instructions," the second will be the instructions for preparation of the technical proposal and the third will be the instructions for the preparation of the business proposal. The following will precede the general instructions.

(1) *Instructions to Offeror.*—The following instructions establish the acceptable minimum requirements for the format and content of proposals. Special attention is directed to the requirements for technical and business proposals to be submitted in accordance with these instructions. You are advised that paramount consideration shall be given to the evaluation of technical proposals, as well as price, in the award of a contract.

The general instructions must contain the following statements:

(1) The proposal shall be based on a (insert type) of contract. In addition to the special provisions of this request for proposal, any resultant contract shall include the general provisions (form HEW , General Provisions for). Any additional clauses required by Public Law, Executive order, or procurement regulations, in effect at the time of execution of the proposed contract will be included.

(2) The following shall be included unless the operating agency has authorized a different policy regarding the separation of proposals and inclusion of cost information in the technical proposal.

The proposal shall be in two parts: a "Technical Proposal' 'and a "Business Proposal." Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished independently of and concurrently with evaluation of the other. The technical proposal shall not contain any reference to cost, however, resources information, such as, data concerning labor hours and categories, materials, subcontracts, etc. shall be contained in the "Technical Proposal" so that the offeror's understanding of the scope of the work may be evaluated. It must disclose your technical approach in as much detail as possible, including, but not limited to the requirements of the technical proposal instructions.

(3) The wording set forth below may be modified if the operating agency has a policy of not requiring the separation of business and technical proposals.

The proposal shall be signed by an official authorized to bind your organization. ____ copies of your technical proposal and ____ copies of your business proposal shall be submitted to: (Insert complete address) as to where the proposal is to be sent and how the RFP is to be marked).

(4) LATE PROPOSALS AND MODIFICATIONS OF PROPOSALS

(This provision does not apply to normal revisions to proposals by offerors selected for discussions during the usual conduct of negotiations with such offerors or to withdrawal of proposals.)

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made, and:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th day of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation;

(3) It is the only proposal received; or

(4) It offers significant cost or technical advantages to the Government, and it is received before a determination of the competitive range has been made.

(b) Any modification of a proposal is subject to the same conditions as in (a), above, and, in addition, if sent by telegram and received at the office designated in the solicitation by telephone from the receiving telegraph office not later than the time set for opening, shall be considered if such message is confirmed by the telegraph company by sending a copy of the telegram which formed the basis for the telephone call.

(c) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered mail or certified mail is the postmark on the wrapper or on the original receipt from the post office. If neither postmark shows a legible date, the proposal or modification of proposal shall be deemed to have been mailed late.

(2) The time of receipt at a Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(d) Notwithstanding (a) and (b), above, a late modification of an otherwise successful proposal which makes the terms more favorable to the Government will be considered at any time it is received and may be accepted.

(5) You may, at your discretion, submit alternative proposals, or proposals which deviate from the requirements, *Provided*, That you also submit a proposal for performance of the work as specified in the statement of work. Such proposals may be considered if overall performance would be improved or not compromised and if they are in the best interests of the Government. Alternative proposals, or deviations from any requirement of this RFP, shall be clearly identified.

(6) The proposal submitted in response to the request for proposal may contain technical data which the offeror; or his subcontractor offeror does not want used or disclosed for any purpose other than evaluation of the proposal. The use and disclosure of any such technical data may be so restricted: *Provided*, The offeror marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend:

"Technical data contained in pages____of this proposal shall not be used or disclosed, except for evaluation purposes. *Provided:* That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction.

"The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore is releasable under the Freedom of Information Act (5 U.S.C. 552)."

(7) The Government will evaluate technical proposals in accordance with the criteria set forth in the technical proposal instructions.

(8) The Government reserves the right to make an award without further discussion of the proposals received. Therefore, it is important that your proposal be submitted initially on the most favorable terms from both the technical and cost standpoints. Af-

ter submission of proposals and closing thereof, no information will be released until after award.

(9) The Government reserves the right to reject any or all proposals received. It is understood that your proposal will become part of the official file on this matter without obligation to the Government.

(10) Unnecessarily elaborate brochures or other presentations beyond that sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the offeror's lack of cost consciousness. Elaborate art work, expensive visual and other presentation aids are neither necessary nor wanted.

Include any of the following in the general instructions, if the item is applicable to the particular situation.

(1) If the proposed contract will involve performance or services on a Government installation insert the following paragraph:

Site visit.—Offerors are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will failure to inspect the site constitute grounds for claim after the award of a contract.

(2) The following notice to offerors will be included whenever contract performance is expected to involve risk to human subjects:

NOTICE TO OFFERORS OF REQUIREMENTS FOR ADEQUATE ASSURANCE OF PROTECTION OF HUMAN SUBJECTS

Prospective contractors being considered for award will be required to give acceptable assurance that the project described herein will be subject to initial and continuing review by an appropriate institutional committee. This review shall assure that the rights and welfare of the individuals involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent will be obtained by methods that are adequate and appropriate.

(3) The following relates to the procurement of ADPE. Subpart 101–32.4 of the Federal Property Management Regulations (FPMR) provides for the purchasing and contracting of ADPE. FPMR 101–32.407 indicates that Government agencies should procure ADPE from different sources—"Mix a System"—when such action is both feasible and in the best interests of the Government. RFP's should address this possible course of action. Set forth below is a paragraph, Alternate Sources Procurement, which can be incorporated in RFP's to accomplish the desired result.

"The Government does not commit itself to procure any supply or service from any particular offeror by the issuance of this solicitation. The Government reserves the right to reject any and all offers received, or any part or parts thereof and to satisfy its total requirements, or any part thereof, from other sources. Such alternate sources include, but are not limited to:

"(A) Equipment becoming excess to the Government's needs which is owned by the Government, or in which the Government has accrued equity due to past rentals paid.

"(B) Equipment obtained by lease or purchase from sources other than the manufacturer thereof.

"(C) Equipment, which, because there is a substantial number of like individual components, lends itself to separate procurement (e.g., tape drives, disc drives, disc packs, etc.).

"Offerors are requested to state in their proposals the extent to which such courses of action would affect any commitment made by the offeror as to performance of the proposed system, or as to any aspect of pricing."

The clause set forth below entitled, "Warranty Exclusion and Limitation of Damages" eliminates a contractor's liability for both consequential damages and damages for breach of an implied warranty for fitness for a particular purpose. However, it imposes no limit on any remaining areas of exposure to contractual damages. This clause shall be used in all solicitation for ADPE unless the Contracting Officer determines that a higher degree of protection is in the best interest of the Government.

WARRANTY EXCLUSION AND LIMITATION OF DAMAGES

Except as expressly set forth in writing in this agreement, or except as provided in the clause entitled, "Commitments, Warranties and Representations" and except for the implied warranty of merchantability, there are no warranties expressed or implied. In no event will the contractor be liable to the Government for consequential damages as defined in the Uniform Commercial Code, Section 2–715 in effect in the District of Columbia as of January 1, 1973, i.e., Consequential damages resulting from the seller's breach include:

(a) any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(b) injury to person or property proximately resulting from any breach of warranty.

(4) Where reference material is to be provided for use in preparation of proposals, insert either of the following clauses:

(A) To assist offerors in preparing their proposals, reference material consisting of (insert title or description of publications, specifications, drawings, reports, or other documentation being made available as reference material) will be available for inspection at _____. Offerors are expected to examine all reference material prior to preparation and submission of their proposals. Failure to do so will be at the offeror's risk.

or

(B) To assist offerors in preparing their proposals, reference material consisting of (insert title or description of publications, specifications, drawings, reports or other documentation being furnished as reference material) is enclosed (is being forwarded to you under separte cover). Offerors are expected to examine all reference material prior to preparation and submission of their proposal. Failure to do so will be at the offeror's risk.

Include the following statement if the reference material is to be returned to the Government:

All reference material furnished hereunder shall be returned within ____ days after the submission of proposals to _____.

(5) A statement regarding discount provisions.

(6) When telegraphic offers are authorized in a solicitation using standard form 33 (solicitation, offer, and award), a provision similar to that set forth in FPR 1–2.202–2 can be included.

(7) A statement that in the event the proposal should contain classified information, the provisions of the HEW security staff manual will apply.

(8) If options are to be solicited, include the following or similar language describing the method by which the Government will evaluate the option:

If the Government elects to exercise the option simultaneously with award, proposals will be evaluated for purposes of award on the basis of the total price for the basic quantity plus the option quantity to be exercised with award.

If the Government does not elect to exercise the option with award, evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(9) If an incentive type contract is being considered, a notice to the offeror of the Government's desire as to use of incentives considered applicable, objectives of the incentive performance goals, schedules, milestones, critical delivery parameters and similar information shall be included.

(11) *Technical Proposal Instructions.*—The technical evaluation criteria and the relative weightings of each factor must be included in the RFP. It should be noted that the RFP evaluation criteria cannot be modified except for a formal modification to the RFP and no factors other than those set forth in the request for proposals shall be used in the evaluation of technical proposals. The following are examples of technical evaluation criteria that can be used in the evaluation of technical proposals and the information that can be requested:

(1) Understanding the problem and technical approach.

(A) Statement and discussion of the requirements as it is analyzed by the offeror.

(B) Prospective contractor's proposed definitive Scope of Work with explanation of technical approaches and a detailed outline of the proposed program for executing the requirements of the technical scope and achieving the objectives of the project.

(C) Preliminary layouts, sketches, diagrams, other graphic representation calculations, curves, and other data as may be necessary for presentation, substantiation, justification or understanding of the proposed approaches and program.

(D) Statement and discussion of anticipated major difficulties and problem areas, together with potential or recommended approaches for their resolution.

(E) Statement of the extent to which the proposed approach and program can be expected to meet or exceed requirements and specifications of the technical scope.

A differentiation shall be made between the areas of assured compliance, possible but not assured compliance, and noncompliance.

(F) An outline of the phases or segments into which the proposed program can be logically divided and performed if for some substantial reason they are different from the phases or segments shown in the technical scope.

(G) Schedule for the completion of the work and delivery of items specified in the technical scope. Performance or delivery schedules shall be indicated for phases or segments, as applicable, as well as for the overall program. Schedules shall be shown in terms of calendar months from the date of authorization to proceed or, where applicable, from the date of a stated event, as for example, receipt of a required approval by the contracting officer. Unless the request for proposal indicates that the stipulated schedules are mandatory, they shall be treated as desired or recommended schedules. In this event, proposals based upon the offeror's best alternative schedule, involving no overtime, extra shift or other premium, will be accepted for consideration.

(2) Qualifications.

(A) *Experience.*—General background, experience, and qualifications of the offeror. Special notation should be made of similar or related Government programs, performed for the Government including documentation with reference to the applicable con-

tract numbers and supervising cognizant agencies.

(B) *Personnel.*—Personnel who will be assigned for direct work on this program. Information is required which will show the composition of the task or work group, its general qualifications, and recent experience with similar equipment or programs. Special mention shall be made direct technical supervisors and key technical personnel, and the approximate percentage of the total time each will be available for this program. Résumés are desirable which will indicate education, background, recent experience, and specific scientific or technical accomplishments.

Additional personnel, if any, who will be required for full-time employment, or on a subcontract or consultant basis. The technical areas, character, and extent of subcontract or consultant activity will be indicated and the anticipated sources will be specified and qualified.

In addition to the evaluation criteria and the relative weightings, these technical proposal instructions must include the following statement:

Proposals which merely offer to conduct a program in accordance with the requirements of the Government's scope of work will be considered nonresponsive to this request and will not be considered further. The offeror must submit a definitive scope of work in accordance with his proposal for the end results that he proposes to accomplish in compliance with the Government's requirements.

(iii) *Business proposal instructions.*—The business proposal instruction will consist of three parts: (1) Cost and Pricing Data. The forms to be used are optional form 59, contract pricing proposal, or optional form 60, contract pricing proposal (research and development). The forms are illustrated in FPR 1-16.902-OF59 and 1-16.902-OF60. The instructions to offerors and footnotes must be complied with and the appropriate boxes checked or filled in by the offeror.

(2) Other Administrative Data.

(3) Representations and Certifications.

(A) *Cost and pricing data.*—The offeror, as a minimum, must submit cost proposals fully supported by cost and pricing data adequate to establish the reasonableness of the proposed amount. The attached form OF59 or 60 must be used in the preparation of your proposal and the offeror must comply with the instructions and footnotes of the form and fill in or check the appropriate boxes.

(1) The cost for individual elements, such as analytical studies, reports, etc., shall be itemized.

(2) The estimated cost of each phase or segment of the offered performance shall be itemized.

(3) Inasmuch as it may be necessary to authorize performance of the project by phases or a group of phases, the extent that these are severable should be indicated together with the effect, if any, of such severance upon the estimated cost.

(B) The following shall be set forth under the item entitled "Other Administrative Data."

OTHER ADMINISTRATIVE DATA

(1) The proposal shall stipulate that it is predicated upon all the terms and conditions of this RFP. In addition, it shall contain a statement to the effect that it is firm for a period of at least (insert number of days) from the date of receipt thereof by the Government.

(2) The proposal shall list the names and telephone numbers of persons authorized to conduct negotiations.

(3) It is HEW policy that contractors will provide all equipment and facilities necessary for performance of contracts. Exception may be granted to furnish Government-owned property, or to authorize purchase with contract funds only when approved by the head of the procuring activity. If additional equipment must be acquired, the offeror shall include the description, estimated cost of each item, and whether the prospective offeror will furnish such items with its own funds.

(4) The offeror shall identify Government-owned property in their possession and/or property acquired from Federal funds, and title to which vests in the offeror which they propose to use in the performance of the prospective contract (§§ 3-56.502 and 3-56.503).

(5) The management and control of any Government property shall be in accordance with HEW Publication (OS) 72-74, entitled, "Management of Government-Owned Personal Property Held by HEW Contractors," a copy of which will be provided upon request.

(6) The following statement should also be included in the RFP when necessary:

Bid guarantee, performance bond and payment bond requirements, if any. If a bid bond or other form of bid guarantee is required the solicitation shall include the provision required by FPR 1-10.103-3 (if applicable).

(7) Other pertinent business and administrative information can also be requested if the information desired is necessary for the evaluation of proposals.

(C) The following representations and certifications shall be included in all requests for proposals as attachments which do not contain standard form 33 or 33A.

The heading of the representations and certifications shall state: Copies of the attachment must be executed by an official authorized to bind the offeror and made a part of his business proposal.

REPRESENTATIONS AND CERTIFICATIONS

(The offeror makes the following representations and certifications as part of his proposal (check or complete appropriate boxes or blanks).)

1. SMALL BUSINESS REPRESENTATION

He ( ) is, ( ) is not, a small business concern. If he is a small business concern and is not the manufacturer of the supplies to be furnished hereunder, he also represents that all such supplies ( ) will, ( ) will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico. If a small business concern, contractor represents that he ( ) has, ( ) has not, previously been denied a Small Business Certificate of Competency by the Small Business Administration. (A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is contracting and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration.) (See Code of Fdeeral Regulations, Title 13, Part 12, as amended, which contains detailed definitions and related procedures.)

NOTE.—The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

2. TYPE OF ORGANIZATION

He operates as an ( ) Individual, ( ) State or Local Agency, ( ) Partnership, ( ) Joint Venture, ( ) Nonprofit, ( ) Educational Institution, ( ) Corporation organized and existing under the laws of the State of ----------

3. REGULAR DEALER—MANUFACTURER REPRESENTATION

(Applicable only to supply contracts exceeding $10,000.) He is a ( ) regular dealer in ( ) manufacturer of, the supplies covered by this proposal.

4. CONTINGENT FEE REPRESENTATION

(Applicable only to proposals in which the aggregate amount involved exceeds $2,500.) Offeror represents: (a) That he ( ) has, ( ) has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the offeror) to solicit or secure this contract, and (b) that he ( ) has, ( ) has not, paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the offeror) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating too (a) and (b) above as requested by the contracting officer. (NOTE.—For interpretation of representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Chapter 1, Subpart 1-1.5.)

5. EQUAL OPPORTUNITY CERTIFICATION

a. Have you participated in any contractual agreement which contained the Equal Employment Opportunity Clause prescribed in Executive Orders 10925, 1114, or 11246?

( ) Yes. ( ) No.

b. Were you required pursuant to the rules and regulations of Equal Employment Opportunity (41 CFR 60-1) to file a compliance report as the result of such contractual agreement?

( ) Yes. ( ) No. If "Yes," answer question (c).

c. Did you file the necessary compliance report in accordance with the instructions contained on the appropriate report form—SF-40, SF-41, or EEO-1 (SF-100).

( ) Yes. ( ) No. If "Yes," answer question (d).

d. Name of agency requiring report ------

---

e. When was report filed? ----------

f. Has any action been required of you to improve your compliance posture?

( ) Yes. ( ) No.

g. Name and address of Government "Compliance Agency," if known: ----------

---

h. What is your current employment? ----

---

i. Have you prepared a written affirmative action compliance program?

( ) Yes. ( ) No. If "No," reason for this is:

( ) Offeror is an agency or instrumentality of state or local government.

( ) Offeror employs less than 50 persons.

( ) Offeror has not been awarded a Federal contract or subcontract of $50,000 or more since July 1, 1968.

j. *Data on subcontractors.*—(Use supplementary sheets where required.)

Name of subcontractor and address	(1)	(2)	(3)
----------	(□) Yes (□) No	(□) Yes (□) No	(□) Yes (□) No
----------	(□) Yes (□) No	(□) Yes (□) No	(□) Yes (□) No

(1) Previously held contracts subject to E.O. 10925, 1114, and 11246.
(2) Previously filed certificate of nonsegregated facilities.
(3) Previously filed compliance report (SF-40, SF-41, or EEO-1).

6. CERTIFICATION OF NONSEGREGATED FACILITIES

By the submission of this offer, the offeror or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The offeror, or subcontractor agrees that a breach of this certification is a violation of the equal opportunity clause of this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the equal opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where proposed subcontractors have submitted identical certification for specific time periods).

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A certification of nonsegregated facilities, as required by the May 9, 1967, order (32 FR 7439, May 19, 1967) on elimination of segregated facilities, by the Secretary of Labor must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the equal opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE.—Failure of an offeror to agree to the certification of nonsegregated facilities shall render his offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the equal opportunity clause.

7. BUY AMERICAN CERTIFICATE

(Applies to proposals involving end products as defined by FPR 1-6.101.) The offeror hereby certifies that each end product, except the end product listed below, is a domestic source end product (as defined in the clause entitled "Buy American Act"); and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States:

Excluded end products (show country of origin for each excluded end product).

---

8. DUPLICATION OF COST

The contractor represents and certifies that any charges contemplated and included in his estimate of cost for performance are not duplicative of any charges against any other Government contract, subcontract, or other Government source.

9. PLACE OF PERFORMANCE

Following is the name and location of the plant or place of business where the item(s) will be produced or supplied from stock or where the service will be performed.

Name of plant)	(City and State)
	(County and congressional district)

10. CERTIFICATE OF CURRENT COST OR PRICING DATA

When a certificate of cost or pricing data is required to be submitted in accordance with Federal procurement regulation (FPR) 1-3.807-3, the contractor agrees to complete, execute, and submit to the contracting officer the following:

CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that to the best of my knowledge and belief, cost or pricing data[1] submitted in writing, or specifically identified in writing if actual submission of the data is impracticable (see § 1-3.807-3(h)(2)), to the contracting officer or his representative in support of ----------[2] are accurate complete, and current as of

----------[3]
(date)

Firm----------
Name----------
Title----------

----------[4]
(Date of execution)

Describe the proposal, quotation, or other submission involved, giving appropriate identifying number (e.g., RFP No. -------).

The above certification shall be submitted as soon as practicable after agreement is reached on any proposed contract cost or price.

11. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

a. By submission of this proposal, each offeror certifies and in the case of a joint bid or proposal, each party thereto, certifies as to its own organizations, that in connection with this procurement:

(1) The prices in this proposal have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offeror or with any competition;

(2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the prior to award, directly or indirectly to any other offeror or to any competitor; and

(3) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

b. Each person signing this proposal certifies that:

(1) He is the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein and that he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or

(2) He is not the person in the offeror's organization responsible within that organization for the decision as to prices being offered herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

c. This certification is not applicable to a foreign offeror submitting a proposal for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

d. A proposal will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the proposal will not be considered for award unless the offeror furnishes with the proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

12. PRICE STABILIZATION CERTIFICATION

(a) The offeror (Contractor) certifies that he is in compliance with the price stabilization requirements of Executive Order 11723, dated June 13, 1973, and amendments thereof, and the regulations of the Cost of Living Council as set forth in title 6, Code of Federal Regulations, Part 140, or any additions or revisions to title 6.

13. DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of $100,000 resulting from this solicitation, except when the price negotiated is based on: (a) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation, shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a disclosure statement as required by regulations of the Board. The disclosure statement must be submitted as a part of the offeror's proposal under this solicitation (see 1, below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated defense prime contracts during the period July 1, 1970, through June 30, 1971, totaling more than $30 million (see 2, below), (ii) the offeror has already submitted a disclosure statement disclosing the practices used in

---

[1] For definition of "cost or pricing data," see FPR § 1-3.807-3.

[2] Describe the proposal, quotation, request for price adjustments, or other submission involved, giving appropriate identifying number (e.g., RFP No. ----------).

[3] This date shall be the date when the price negotiations were concluded and the contract price was agreed to. The responsibility of the contractor is not limited by the personal knowledge of the contractor's negotiator if the contractor had information reasonably available (see § 1-3.807-5(a)) at the time of agreement showing that the negotiated price is not based on accurate, complete, and current data.

[4] This date should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed upon.

connection with the pricing of this proposal (see 3, below) or (iii) postaward submission has been authorized by the contracting officer.

CAUTION.—A practice disclosed in a disclosure statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

() 1. CERTIFICATION OF CONCURRENT SUBMISSION OF DISCLOSURE STATEMENTS

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the disclosure statements as follows: (i) Original and one copy to the cognizant contracting officer; (ii) one copy to the cognizant contract auditor; and (iii) one copy to the Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548.

Date of disclosure statement	Name and address of cognizant contracting officers where filed

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the disclosure statements.

() 2. CERTIFICATION OF MONETARY EXEMPTION

The offeror hereby certifies that, together with all divisions, subsidiaries, and affiliates under common control, he did not receive net awards of negotiated national defense prime contracts during July 1, 1970, through June 30, 1971, totaling more than $30 million.

() 3. CERTIFICATE OF PREVIOUSLY SUBMITTED DISCLOSURE STATEMENTS

The offeror hereby certifies that the disclosure statements were filed, as follows:

Date of disclosure statement	Name and address of cognizant contracting officers where filed

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in this disclosure statement. For additional exemptions, see Federal Procurement Regulations, Temporary Regulation 27 and supplements thereto.

(j) *Noncompetitive procurements.*—For noncompetitive procurements, the RFP shall include the transmittal letter, the offeror's representations and certifications, and the instructions relative to cost and pricing data. The following are the minimum instructions that should be included in the RFP.

INSTRUCTIONS TO OFFEROR

The following instructions establish the acceptable minimum requirements for the format and content of proposals. Special attention is directed to the requirements for technical and business proposals to be submitted in accordance with instructions herein.

GENERAL INSTRUCTIONS

(1) The proposal shall be based on a _____ type of contract. In addition to the special provisions of this solicitation, any ensuing contract will include the general provisions for _____

_____

Any additional clauses required by public law, Executive order, or procurement regulations, in effect at the time of execution of the proposed contract, will be included.

(2) The proposal shall be signed by an official authorized to bind your organization. ____ copies of your proposal shall be submitted to:

(Insert complete address as to where the proposal is to be sent and mailing instructions.)

(3) You may, at your discretion, submit alternative proposals, or proposals which deviate from the requirements: *Provided*, That you also submit a proposal for performance of the work as specified in the statement of work. Such proposals may be considered if overall performance would be improved or not compromised; and if they are in the best interests of the Government. Alternative proposals, or deviations from any requirements of this solicitation shall be clearly identified.

(4) The proposal submitted in response to the request for proposal may contain technical data which you or your subcontractor(s) do not want used or disclosed for any purpose other than evaluation of your proposal. The use and disclosure of any such data may be so restricted; *Provided*, That you mark the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend.

"Technical data contained in pages _____ of this proposal shall not be used or disclosed, except for evaluation purposes, *Provided*, That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction."

The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

(5) The Government reserves the right to reject any or all proposals received. It is understood that your proposal will become a part of the official file on this matter without obligation to the Government.

[FR Doc.73-19159 Filed 9-7-73;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Miscellaneous Amendments

On April 13, 1973, there was published in the FEDERAL REGISTER (38 FR 9302) a proposal to amend the regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 1900, 42 U.S.C. 4601, 4633.

Forty-five days were given within which any interested person wishing to do so could file written comments, suggestions, or objections regarding the proposed revisions with the Office of Management Operations, Office of the Secretary, 18th and C Streets NW., Washington, D.C.

Comments on the proposed revisions were received from one organization. These comments suggested that the Department modify its regulations relating to computation of the rental replacement housing payment so as to ensure that the rental differential payment will be within the financial means of the displaced person in any case where the displacee is currently paying an excessive amount for rent. Guidelines covering this particular situation are currently under consideration by an Interagency Working Group. The Department proposes to adopt the interagency decision in this matter which will be published as guidelines in the form of a General Services Administration Federal Management Circular. Accordingly, the proposed amendments are adopted without change as set forth below, effective on September 10, 1973.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1973.

The table of contents for subpart 114-50.1 is revised as follows:

Change "114-50.109 (Reserved)" to read "114-50.109 Multiple Occupancy."

The table of contents for subpart 114-50.10 is revised to read as follows:

Subpart 114-50.10—Federally Assisted Programs

Sec.

114-50.1000	Acceptance of real property furnished by a State incident to Federal program.
114-50.1001	Assurances—section 210.
114-50.1002	Assurances—section 305.
114-50.1003	[Reserved]
114-50.1004	Compliance with sections 301 and 302.
114-50.1005	Inability to provide assurances prior to July 1, 1972.
114-50.1006	Inability to provide assurance for programs or projects causing displacement on or after July 1, 1972.
114-50.1007	Monitoring assurances.
114-50.1008	Grants, contracts, or agreements executed prior to July 1, 1972.
114-50.1009	Federal share of costs.
114-50.1010	Relocation assistance programs.
114-50.1011	Effective date.
114-50.1012	Appeal procedures.

Subpart 114-50.1—General

Section 114-50.109 is revised to read as follows:

§ 114-50.109 Multiple occupancy.

Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements for replacement housing benefits under sections 203 and 204 of the act. However, each individual displaced may receive a payment for actual reasonable moving expenses as authorized under section 202(a) of the act, and in the case of families, each family shall be considered separately.

Subpart 114-50.7—Payments in Lieu of of Moving and Related Expenses

Two new paragraphs (a) and (b) are added to § 114-50.701 reading as follows:

§ 114-50.701 Displaced dwelling occupant.

* * * * *

(a) Only those persons who are displaced from a dwelling, as defined in

§ 114–50.201(h), may elect to receive the payment authorized under section 202(b) of the act in lieu of payment for actual reasonable moving expenses.

(b) Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements under this § 114–50.701.

Subpart 114–50.9—Replacement Housing Payment for Tenants and Certain Others

A new paragraph (e) is added to § 114–50.903 to read as follows:

§ 114–50.903 Computation of replacement housing rental differential payment for tenants.

* * * * *

(e) The amount determined in accordance with this section 114–50.903 to be necessary to rent a comparable replacement dwelling, sets the upper limit of this payment. Where the amount of rent actually paid by the displaced person for a decent, safe, and sanitary replacement dwelling is less than the upper limit, computation of the differential payment shall be based on the amount of rent actually paid. However, the amount initially established as the differential payment shall not be adjusted to compensate for subsequent increases or decreases, if any, in the amount of rent actually paid by the displacee.

Subpart 114–50.10—Federally Assisted Programs

§ 114–50.1003 [Reserved]

A new § 114–50.1003 is inserted in subpart 114–50.10 and existing §§ 114–50.1003 through 114–50.1011 are renumbered 114–50.1004 through 114–50.1012, respectively. New § 114–50.1003 reads as set forth above.

In existing § 114–50.1008(c), which is renumbered § 114–50.1009(c), change the reference to "§ 114–50.1008" to read "§ 114–50.1009".

[FR Doc.73–19098 Filed 9–7–73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular 2350]

PART 3830—LOCATION OF MINING CLAIMS

Subpart 3831—Rights to Mineral Lands

LOCATION OF PLACER CLAIMS

The purpose of this amendment is to correct an omission in § 3831.1 of the regulations which deals with the location of mining claims. On March 31, 1964, regulations then found at 43 CFR 185.3 were changed to eliminate repetitions and provisions made obsolete by law or the expiration of law. It was stated in the preamble of that rulemaking that no substantive changes to the regulations were intended.

A substantive change was inadvertently made, however, by omission of a footnote referring to the staking of placer claim locations. Present regulations in § 3831.1 provide in part that: "A location is made by staking the corners of the claim, * * *" The exception to this rule, which was omitted in the March 31, 1964, revision, is that placer claims may, by virtue of State law, be located by legal subdivision. States which presently provide for location in this manner are California, Nevada and Oregon.

Federal law governing location is broadly written and provides for the following of local rules. 30 U.S.C. 28 (1970) provides, in part: "The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: "The location must be distinctly marked on the ground so that its boundaries can be readily traced * * *."

This amendment reinserts into the regulations the omitted provision for locating placer claims by legal subdivision where permitted by State statute.

It is the policy of the Department of the Interior to give notice of proposed rulemaking and to invite the public to participate in rulemaking except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is unnecessary in this case since this amendment merely corrects an oversight in codifying long standing rules.

The amendment is adopted as set forth below and is, in fact, retroactive to March 31, 1964, the date of omission from the regulations.

Section 3831.1 of Subpart 3831 of Chapter II is revised to read:

§ 3831.1 Manner of initiating rights under locations.

Rights to mineral lands, owned by the United States, are initiated by prospecting for minerals thereon, and, upon the discovery of minerals, by locating the lands upon which such discovery has been made. A location is made by (a) staking the corners of the claim, except placer claims described by legal subdivision where State law permits locations without marking the boundaries of the claims on the ground, (b) posting notice of location thereon, and (c) complying with the State laws, regarding the recording of the location in the county recorder's office, discovery work, etc. As supplemental to the United States mining laws there are State statutes relative to location, manner of recording of mining claims, etc., in the State, which should also be observed in the location of mining claims. Information as to State laws can be obtained locally or from State officials.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 31, 1973.

[FR Doc.73–19101 Filed 9–7–73;8:45 am]

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular 2349]

PART 4710—WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT

Protection, Management, Control and Reservation of Forage; Correction

The purpose of this amendment is to incorporate in § 4712.1–2 the word "or" in the third line between the words "use" and "on", which was inadvertently omitted from the regulation when it was originally published in 38 FR 22004, August 15, 1973.

Since this amendment merely corrects an inadvertent typographical omission it is determined that the public participation procedure for proposed rulemaking is unnecessary. This amendment is hereby adopted and § 4712.1–2 as corrected is set forth below and shall be effective on September 7, 1973.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 31, 1973.

§ 4712.1–2 Intensity of management.

Wild free-roaming horse or burro herds may be managed either as one of the components of public land use or on a specifically designated wild horse or burro range. Management practices shall be at the minimal feasible level and shall be consistent to the extent possible and practical with the maintenance of their free-roaming behavior. Management facilities should be designed and constructed to the extent possible to maintain the free-roaming behavior of the herds.

[FR Doc.73–19100 Filed 9–7–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

The following special regulation is issued and is effective on September 10, 1973.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

UTAH

FISH SPRINGS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and mergansers on the Fish Springs National Wildlife Refuge, Utah, is permitted from October 6, 1973, through January 6, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area comprises 7,192 acres and is delineated on maps available at refuge headquarters, 66 miles southwest of Dugway, Utah 84022, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all State and Federal regulations covering the hunting of ducks, coots, and mergansers, subject to the following special conditions:

(1) All hunters must register at the Visitor Information Station prior to hunting.

(2) Shooting upon or across dikes or roads is prohibited.

(3) Use of small boats, canoes, etc. is permitted during the hunting season, but no outboard motors or air thrust boats are allowed.

(4) Dogs may be used for hunting, but are to be kept under control at all times.

The provisions of these special regulations supplement the regulations that govern hunting on wildlife refuge areas generally that are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1974.

Dated August 30, 1973.

LELAND E. HERZBERGER,
Refuge Manager, Fish Springs National Wildlife Refuge, Dugway, Utah.

[FR Doc.73-19150 Filed 9-7-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on September 10, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Idaho.

General conditions.—Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, 1500 Northeast Irving Street, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Waterfowl and coot may be hunted on the following refuge areas:

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special condition. The use of air-thrust boats is prohibited.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Grays Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special condition. The use of air-thrust boats is prohibited.

Kootenai National Wildlife Refuge, Star Route #1, Box 88, Bonners Ferry, Idaho 83805.

Special condition. Hunting permitted only Sundays, Tuesdays, Thursdays, and Saturdays.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special condition. Pheasant and sage grouse only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Kootenai National Wildlife Refuge, Star Route #1, Box 88, Bonners Ferry, Idaho 83805.

Special condition. Pheasants may be hunted only Sundays, Tuesdays, Thursdays and Saturdays.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special condition. Antelope only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special condition. Deer may be hunted on the Snake River Island sector only.

Grays Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Kootenai National Wildlife Refuge, Star Route # 1, Box 88, Bonners Ferry, Idaho 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-19091 Filed 9-7-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective on September 7, 1973. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General conditions.—Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nevada 89406.

Pahranagat National Wildlife Refuge, P.O. Box 232, Alamo, Nevada 89001.

Special conditions. (1) The use of motors on boats is not permitted.

(2) Refuge closed to goose hunting.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nevada 89833.

Special condition. Waterfowl and snipe only may be hunted.

Stillwater Wildlife Management Area, P.O. Box 592, Fallon, Nevada 89406.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nevada 89406.

Pahranagat National Wildlife Refuge, P.O. Box 232, Alamo, Nevada 89001.

Charles Sheldon Antelope Range, Nevada (Headquarters: P.O. Box 111, Lakeview, Oregon 97630).

Stillwater Wildlife Management Area, P.O. Box 592, Fallon, Nevada 89406.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-19092 Filed 9-7-73;8:45 am]

PART 32—HUNTING

Wheeler National Wildlife Refuge, Ala.

The following special regulations are issued and are effective on September 10, 1973.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is suspended for the 1973–74 season due to a serious decline in numbers of wintering geese in the refuge area.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 29, 1973.

[FR Doc.73-19095 Filed 9-7-73;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges

The following special regulations are issued and are effective on September 5, 1973.

§ 32.22 Special regulations; upland game; for individual refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on Big Lake National Wildlife Refuge, Arkansas, is permitted on the entire refuge except for the area ¼ mile north and ¼ mile south of refuge headquarters, and other areas which may be designated as closed by marking with "Closed Area" signs. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of upland game subject to the following special conditions:

(1) Squirrel hunting permitted in accordance with State regulations, except season closes on the refuge the day duck season in the State opens. Dogs are not permitted.

(2) Raccoon hunting permitted from October 15, 1973, until opening day of the duck hunting season in the State. Hunting will open at 12:00 noon on October 15. Hunting permitted 24 hours per day. No limit on the number of coons that can be taken per day. Dogs required during night hunts.

(3) Shotguns or rifles not larger than .22 caliber may be used.

(4) Persons are prohibited from possessing, while on the refuge, either on their person or in their vehicle, game for which there is not an open season on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1974.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Catahoula National Wildlife Refuge is permitted on the timbered portions of the refuge. Hunting shall be in accordance with State regulations governing the hunting of squirrels except that the season extends from October 6–19, 1973. Hunters may enter the area 30 minutes prior to legal shooting time (30 minutes before sunrise) and must be out of the refuge 30 minutes after legal shooting hours (30 minutes after sunset). Unmarked feral hogs may be taken by squirrel hunters. No vehicles with tires larger than 9.00 x 16'' can be used on the refuge. All vehicles must remain on established roads and trails.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 19, 1973.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of raccoons and opossums on the Yazoo National Wildlife Refuge, Mississippi, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising approximately 10,500 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30339. Hunting shall be in accordance with all applicable State regulations governing the hunting of raccoons and opossums subject to the following special conditions:

(1) The open season extends from December 1–15, 1973, Sundays excluded, from dark to daylight.

(2) The use of dogs is optional.

(3) Firearms: Shotguns, 10 gauge or smaller (no buckshot or slugs permitted, possession illegal), rifles limited to .22 caliber (22 magnum and 222 rifles prohibited). All shotguns must be plugged to hold three shells. Sidearms (pistols and revolvers) prohibited.

(4) No firearms may be discharged within 250 yards of refuge headquarters or residences.

(5) Carrying of loaded firearms in vehicles is prohibited and shooting from vehicles or shooting from or across State or County roads is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1973.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 29, 1973.

[FR Doc.73-19096 Filed 9-7-73;8:45 am]

PART 32—HUNTING

Noxubee National Wildlife Refuge, Miss.

The following special regulations are issued and are effective on October 15, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Squirrels, rabbits, quail, turkey, raccoons, and opossum may be hunted in accordance with the following special conditions:

(1) Squirrels and rabbits may be hunted October 15–November 17, 1973.

(2) Quail may be hunted December 28, 1973–February 19, 1974.

(3) Turkey (gobblers only) may be hunted March 23–April 21, 1974.

(4) Raccoons and opossums may be hunted January 1–31, 1974. Hunt hours are from sunset to sunrise only.

(5) Sunday hunting is prohibited.

(6) Fires and cutting of trees are not permitted.

(7) Primitive camping is permitted in designated camping area only.

(8) Dogs are permitted during the quail, raccoon and opossum hunt only.

(9) Turkeys killed must be checked at refuge headquarters.

(10) Raccoons and opossums may be hunted only with .22 caliber firearms.

(11) Squirrels and rabbits may be hunted only with shotguns shooting No. 4 shot or smaller and .22 caliber rim fire guns.

(12) Quail may be hunted only with shotguns shooting No. 6 shot or smaller.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 21, 1974.

PHILLIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 30, 1973.

[FR Doc.73-19093 Filed 9-7-73;8:45 am]

PART 32—HUNTING

Catahoula National Wildlife Refuge, La.

The following special regulations are issued and are effective on September 10, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Hunting of white-tailed deer on the Catahoula National Wildlife Refuge is suspended for the 1973–74 season because of damage to habitat by unusually high and prolonged flood waters and resulting stress on the deer population.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 29, 1973.

[FR Doc.73-19097 Filed 9-7-73;8:45 am]

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on September 10, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow is permitted on the entire refuge

area from 6:00 a.m. to 7:00 p.m. each day from December 1, 1973, through December 31, 1973, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State Officers upon request.

(2) Bow and arrow hunting will be by valid Federal permit only from December 1, 1973, through December 9, 1973. No permit will be required from December 10, 1973, through December 31, 1973.

(3) Applications for bow and arrow hunting permit must be received at the refuge office on or before October 31, 1973.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

ROBERT H. TIMMERMAN,
Refuge Manager, Shiawassee National Wildlife Refuge, Saginaw, Michigan.

AUGUST 30, 1973.

[FR Doc.73-19094 Filed 9-7-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN CARROTS

Proposed Amendments

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Frozen Carrots (7 CFR 52.701–52.711) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate by October 31, 1973, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment.—The current United States Standards for Grades of Frozen Carrots have been in effect since 1962. The Department has received a request from the American Frozen Food Institute to increase the amount of allowable diameter variation between the largest and smallest carrots in U.S. Grade A whole style frozen carrots from 50% to 100%.

After careful consideration, the Department concurs with the request. The Grade A whole carrots that are currently marketed are generally quite small. The Department therefore concludes that (among such small units) that if the diameter of the largest carrot is not more than twice the diameter of the smallest carrot, the appearance or eating quality would not be affected to a noticeable degree.

In addition, the Department recommends that the allowable variation of size be extended (in like manner) to include the halved and quartered styles of frozen carrots.

In consideration thereof, the proposal would amend the requirements for uniformity of size and shape as applicable only:

(1) To the whole, halved and quartered styles; and

(2) To U.S. Grade A (or U.S. Fancy).

The amendment proposed is:

In Part 52, Subpart—United States Standards for Grades of Frozen carrots, in Table I, the (A) Classification portion only is deleted and the following tabular material substituted in lieu thereof:

(A)—CLASSIFICATION

Styles	Measurement and/or shape of individual units	Uniformity in 90 percent by count, of units that are most uniform
Whole	1½-inch maximum diameter	Unit with largest diameter, or width, is not more than twice that of unit with smallest diameter, or width.
Halved	1½-inch maximum width	
Quartered	1¼-inch maximum width	
Sliced	2-inch maximum diameter; Approximate ¾-inch maximum thickness.	Unit with largest diameter is not more than twice that of unit with smallest diameter and uniformity of thickness does not vary markedly.
Diced	Approximate cube-shapes, ⅝ inch or less in size.	10%, by weight, maximum may be other shapes and sizes.[1]
Double-diced	Approximate double-cube shapes, 1 inch or less long; ⅝ inch or less in cross-section diameter.	12%, by weight, maximum may be other shapes and sizes.[1]
Strips	Approximate french-cut shapes, ⅝ inch or more long.	12%, by weight, maximum may be less than ⅝ inch long.
Cuts	Units may vary considerably in size and shape provided over-all appearance is not materially affected.	
Chips	[Limited to Grade B or lower]	

[1] Provided, presence of very small pieces does not materially affect appearance of product.

Authority.—Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

Dated August 31, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-19002 Filed 9-6-73;8:45 am]

[7 CFR, Part 1073]

[Docket No. AO 173-A29]

MILK IN THE WICHITA, KANSAS, MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Wichita, Kansas, marketing area. The hearing was held, 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 (7 CFR, Part 900), at Wichita, Kansas, on April 3, 1973, pursuant to notice thereof issued on March 14, 1973 (38 FR 7234).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 25, 1973 (38 FR 17240), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modification: "3. Designating a cooperative as the handler on bulk tank milk," is completely changed.

The material issues on the record of the hearing relate to:

1. Diversion of producer milk.

2. Pool plant qualifications.

3. Designating a cooperative as the handler on bulk tank milk.

4. Reports included in uniform price computation.

5. Need for emergency action.

lowing findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.* Milk diverted by a cooperative from pool plants to nonpool plants should be limited to a quantity not greater than the total producer milk physically re-

ceived at all pool plants from the cooperative during the month; and milk diverted by the proprietary operator of a pool plant should not exceed the quantity of nonmember producer milk physically received at his plant. All diverted milk should be priced at the location of the plant to which diverted and only the milk of those producers from whom not less than 15 percent of their production during the month was physically received at a pool plant should qualify as diverted milk.

Diverted milk is now priced at the plant from which diverted, and none of a producer's milk must be received at a pool plant during the month to qualify his shipments to a nonpool plant as diverted milk. Also, no limitations now apply to the quantities of milk that cooperatives and proprietary handlers may divert in any month.

The changes in the diversion provisions adopted in this decision reflect substantially those proposed, and supported at the hearing, by the major cooperative in the market. It contended that, because they provide a means of associating milk with the market solely for manufacturing purposes at the expense of producers who regularly supply the market and on whom the market depends for its Class I needs, the present diversion provisions are inappropriate under current conditions in the Wichita order market. No testimony was presented in opposition to the cooperative's proposals to revise the order's diversion provisions.

The purpose of the diversion provisions is to facilitate marketing the reserve milk that is a necessary part of the market supply. Because of variations in market needs and in production, the milk of each producer is not needed every day for processing as fluid milk at the plant to which it is customarily delivered. It is necessary, however, that there be a reserve of qualified milk available for the fluctuating needs of handlers serving the market. At times, therefore, when milk of a dairy farmer regularly supplying the market is not needed at the plant to which it is usually shipped, it can be handled most economically by moving it as diverted milk from the farm to a nonpool manufacturing plant.

Only that milk from dairy farmers genuinely associated with the market, as evidenced by their deliveries to pool plants, should be eligible for diversion to nonpool plants. Otherwise, it cannot be said that such dairy farmers are supplying the Class I needs of the market. Therefore, it is provided that at least 15 percent of the production of a producer must be received at a pool plant during the month to qualify any of his production in the same month for diversion. The requirement herein adopted, which was proposed by proponent cooperative, is sufficient to establish a producer's continuing association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

Limiting diversions of producer milk by cooperatives and proprietary handlers to the quantities delivered to pool plants in the same month, as proposed by the cooperative, are reasonable standards under current conditions in the Wichita market. In conjunction with the order's performance requirements for pool plants, they will implement orderly marketing by facilitating the movement of reserve supplies of producer milk to the most practicable outlet.

Milk diverted to nonpool plants in excess of the limitations provided should not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. It would be the responsibility of the diverting handler to specify which milk is ineligible as producer milk. If the handler fails to make such designation, and the market administrator is unable to determine which milk is overdiverted, all milk diverted to nonpool plants by such handler would be ineligible as producer milk.

Providing for the diversion of producer milk to an other order plant for manufacturing purposes will contribute to orderly marketing. In some instances, a pool plant operator may find that his most desirable outlet for this purpose is an other order plant. Specifying under the order that such milk may be diverted as producer milk if a Class II or Class III classification is designated for such milk pursuant to the other order will tend to insure the integrity of both orders. Otherwise, such milk's eligibility to be included under a Federal order would more appropriately be determined at the other order plant where received. Diversion to such plants, if permitted unconditionally, could result in the pricing and pooling of the same milk under two orders.

As a corollary change, when milk from a dairy farmer is received at a pool plant as diverted from an other order plant, it should not be eligible for pooling as the milk of a producer under this order if a Class II or Class III classification under this order is designated for such milk and it is subject to the pricing and pooling provisions of another order.

The order's location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population centers in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to continue to price milk as if delivered to a plant in or near the principal population centers in the market when actually delivered as diverted milk to a nonpool plant at a location at which a different price is appropriate based on the location adjustment that would be applicable to a pool plant at the same location.

When producer milk is received as diverted milk at a nonpool plant, its location value is similar to that of milk delivered by producers to a pool plant at the same distance from the market. Pricing milk at the location of the pool plant from which diverted (as now provided in the order) tends to subsidize, at the expense of producers generally, the more distant producers when the latter's milk is diverted to distant manufacturing plants rather than delivered to the market center. This is because the distant producers receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

2. *Pool plant qualifications.* The pooling percentage qualification for a distributing plant should be based on its total receipts of fluid milk products plus milk diverted from such plant under the diversion limits. Similarly, the quantities of milk on which the pooling percentage qualification of a supply plant is based should include milk diverted from the plant in addition to its receipts of producer milk. Qualifying percentages (unchanged by this decision) are now based on the producer milk physically received at a plant plus, in the case of distributing plants, receipts from supply plants.

"Automatic" pool status in January through August should be accorded a supply plant that was a pool plant in the preceding September through December. Automatic pooling is now provided in December–July for a supply plant that qualified as a pool plant in the preceding August–November.

A cooperative "balancing plant" should be designated a pool plant for the month if 50 percent (now 60 percent) of the producer milk of its members was received at pool plants during the month.

The proposals to amend the pooling provisions were made by the principal cooperative in the market. It stated that the present provisions are inappropriate under current conditions by providing undue incentive for pooling plants that have no real association with the market and on which the market cannot depend for its fluid needs. The changes proposed, according to the cooperative, are necessary to avoid possible dilution of returns to producers that would result from attaching milk supplies to the Wichita pool largely predestined for manufacturing.

The cooperative proposed increasing the monthly route disposition requirement for pooling distributing plants from 35 percent (25 percent in March–July) of a plant's receipts to 50 percent in all months. As proposed, the percentage would be based on a plant's total receipts of all fluid milk products (except filled milk) plus diverted milk. The percentage is now computed only on the basis of the total producer milk physically received from farms at the plant and receipts from supply plants. The cooperative also proposed that the present pooling requirement that not less than 10 percent of a distributing plant's receipts be disposed of on routes in the marketing area be changed to 15 percent of total route disposition from the plant.

The pooling qualifications for a distributing plant should be based on its route disposition relative to the quantity of approved fluid milk products physically received at such plant plus the milk of producers diverted therefrom by the plant operator or the cooperative through which the producers' milk is

marketed. All such milk is essentially an integral part of the plant's supply. It is appropriate, therefore, in determining a plant's pool status, to consider as its total supply all milk diverted from the plant together with all approved fluid milk products physically received at the plant. It is not necessary for this purpose to specify that such receipts be producer milk or receipts from supply plants, as now specified in the order, but should include approved milk from any source.

As indicated above, diverted milk may now be pooled without being considered as a part of the supply of the plant from which diverted in determining its qualifications to pool. In the case of a distributing plant receiving its total supply from producers, if 50 percent of producer milk associated with such plant is diverted without being counted as part of the plant's supply, the route disposition percentage requirement for pooling the plant is, in effect, reduced by 50 percent as compared to a plant that diverted no milk during the month.

Similarly, if 50 percent of producer milk associated with a pool supply plant were pooled by diversion to nonpool manufacturing plants, the supply plant, by shipping half the milk physically received at such plant to pool distributing plants, would remain pooled. In this circumstance, the plant could qualify as a pool plant by shipping as little as 25 percent of its producer milk to pool distributing plants. On the other hand, a supply plant that diverted no milk would have shipped 50 percent of its actual producer receipts to qualify for pooling.

The requirements adopted for both types of plants will provide a more equitable basis for pooling.

The quantities of fluid milk products physically received at or diverted from plants in determining their pool status should be that milk approved for fluid consumption by a "duly constituted regulatory agency." The terms "duly constituted health authority" and "approved health authority" are now used in the order to designate such approved milk. The cooperative spokesman suggested that the term "duly constituted regulatory agency" would be more appropriate in referring to approved milk throughout the order. That term is more inclusive than the designations now used for agencies having jurisdiction in this field. The agency responsible for approving milk for fluid consumption is not always specifically designated as a health authority. In some states, for example, this function is the responsibility of the state Department of Agriculture.

The cooperative's proposals to increase the monthly route disposition requirement for pooling a distributing plant from 35 percent (25 percent in March–July) of a plant's receipts to 50 percent in all months and to change the requirement for route disposition in the marketing area from 10 percent of a plant's receipts to 15 percent of the plant's total route disposition were intended to insure that only bona fide plants regularly associated with the market are pooled under the order. It can reasonably be expected that the present route disposition percentage requirements in conjunction with the changes in the other pooling provisions adopted in this decision (e.g., basing the route disposition percentage requirements on a plant's receipts of fluid milk products plus milk diverted from the plant instead of on the plant's receipts only) will substantially tend to achieve this end. In this circumstance, no change should be made on the basis of this record in the route disposition percentage requirements for pooling distributing plants.

As proposed by the cooperative, "automatic" pool status in January–August should be accorded a supply plant that qualified as a pool plant in the preceding September–December. Automatic pooling is now accorded in December–July to a plant that was a pool supply plant in the preceding August–November. In effect, August would replace December as one of the four months during which a supply plant must qualify as a pool plant to obtain automatic pool status for the eight other months of the year.

The proposed September–December qualifying period is the period of the year when supply for the market is lowest relative to fluid demand. Replacing August with December in this four-month qualifying period recognizes the change in recent years in seasonal production for the market. Although production for the market relative to demand was generally lower in August than December in the past, this is not the case now. In 1970, 1971 and 1972, for example, the proportion of producer milk used in Class I was significantly greater in December than in August. The December Class I utilization of producer milk in this three-year period exceeded that for August by an average of 5.5 percentage points. The average Class I utilization of producer milk during this period was 79.9 percent for December and 74.4 percent for August.

The cooperative's proposal to require a plant that was a pool supply plant in the preceding September-December to ship also at least 20 percent of its receipts to pool distributing plants in each subsequent month of January-August is denied. Such a plant is not now required to make any shipments to be pooled in the latter months. No testimony presented by proponent was directed specifically to the need or justification for this change in this market. It is highly questionable that in this relatively small market regular supplies of milk could be most economically handled if every plant (that might have demonstrated its regular association with the market in the preceding period of low production) were required to ship milk in the seasonally high production months when the milk is not needed for fluid processing.

A plant operated by a cooperative is now accorded pool plant status if not less than 60 percent of its producer members' milk is received at pool plants, either by direct delivery from producers' farms or as a transfer from the cooperative's plant. A plant that would qualify as a pool plant under this provision is commonly referred to as a "balancing plant."

The cooperative proposed changing the percentage qualification for a balancing plant to 50 percent (from 60 percent) of its producer members' milk received at pool distributing plants (instead of at pool distributing plants and at pool supply plants), either by direct delivery from producers' farms or as a transfer from the balancing plant. In addition, it proposed that the order be changed to require that such a plant be located in the marketing area.

A plant operated by the proponent cooperative (which incidentally now qualifies for pooling by meeting the shipping requirements for a supply plant) also serves the market as a balancing plant. In that capacity, it enables pool distributing plants to tailor their receipts each day to their bottling needs. A bottling plant that receives milk by direct delivery from the farms of designated producer members of the cooperative may accept a part or none of such deliveries on any day. That is, the total deliveries of such producers on the days the bottling plant is not operated, and the amounts in excess of its Class I needs on other days, are received at the cooperative's plant. When the direct deliveries of the producers assigned to such a distributing plant are inadequate for its needs, it obtains supplemental supplies from the cooperative's plant.

The cooperative's plant is the only pool supply plant now on the market. If this plant were to qualify for pooling as a balancing plant, rather than by meeting the shipping percentage as it now does, it would be on the basis of supplying the supplemental needs of pool distributing plants and receiving any producer member milk when it was not needed at such plants. Since the services provided by a balancing plant concern only pool distributing plants, milk received at or shipped to pool supply plants should not be included in the computation to determine a balancing plant's percentage qualification to pool.

The cooperative claims that changing conditions may make it increasingly difficult to qualify its plant for pooling on the basis of its shipping performance as a supply plant. This is because the cooperative's plant is operated to a substantial degree in carrying out the supply equalizing, or balancing function. The cooperative indicated it may need to qualify its plant under the pooling standards for a balancing plant instead of those for a supply plant. In that circumstance, the present pooling requirement for a balancing plant (supplying at least 60 percent of its total producer milk receipts to pool plants) could force it to make some unnecessary and uneconomic movements of milk.

Requiring at least 50 percent of a cooperative's member producer milk be received at pool distributing plants dur-

ing the month, either by direct delivery from such members' farms or as a shipment from the cooperative's balancing plant, as proposed by the cooperative, is a reasonable basis to qualify a balancing plant for pooling in any month. The 50 percent rate is fully adequate for determining association with the market and provides sufficient safeguard against a cooperative's qualifying a plant to pool as a balancing plant in order to exploit the pool.

The proposal that a cooperative's plant must be located in the marketing area to qualify for pooling as a balancing plant should not be adopted. Proponent stated that such a provision would prevent the pooling of unneeded milk supplies, and would thereby insure that the balancing plant was genuinely associated with the market.

As above-stated, the primary function of a balancing plant is to receive a cooperative's producer member milk when it is not needed at the regulated plants to which it is regularly assigned and to provide supplemental supplies to such plants when the deliveries of the producers regularly assigned to them are inadequate for their needs. It cannot be concluded that the current situation concerning location of plants to be served in the Wichita market is such that a balancing plant must be located inside the marketing area to carry out its intended function.

3. *Designating a cooperative as the handler on bulk tank milk.* A cooperative should be the handler for milk of producers it receives for the account of the cooperative from the farm in a tank truck operated by, or under the control of, such cooperative for delivery to a pool plant. In addition, a cooperative should be the handler for all milk of producers it diverts from a pool plant to a nonpool plant.

Under the current order provisions, a cooperative may be a bulk tank handler, or a diverting handler, for milk of member producers. Also, it may elect whether to be the handler for member milk it receives from the farm for delivery to a pool plant in a tank truck owned and operated by, or under contract to, such association.

Milk produced for this market is handled through farm bulk tanks and moved to the market in tank trucks. Milk of any producer when commingled in a tank truck with that of other producers is indistinguishable from such other milk The amount of a producer's milk placed in a tank truck, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of the individual producer.

When milk is picked up at the farm by a truck owned or operated by a cooperative, or by a person under contract to, or otherwise under the control of, such cooperative for delivery to a pool plant, it is the cooperative that determines the weight and butterfat content of each producer's milk. Frequently, the plant operator will not know the identity of the individual producers whose milk he receives, and will know only the aggregate amount of milk received. In such cases, the cooperative obviously must become the responsible handler for the milk as it leaves the farm.

As a bulk tank handler, a cooperative's obligation is basically limited to filing a payroll report showing the weights and butterfat content of the milk of the individual producers involved and of reporting the quantities of such milk delivered to each pool plant. The cooperative is responsible to the pool only for that portion of milk received from a producer's farm for delivery to pool plants that is not accounted as actually received at a pool plant because of a difference between the weight and test of the milk received at the plant and the weight and test as picked up at the farm. The cooperative's monetary obligaton to the pool normally will be for the difference in these amounts which usually will be shrinkage in accordance with its value under the shrinkage provisions. Even this small monetary obligation is eliminated, however, when, as in this market, the handler receives milk from the cooperative on the farm weights and tests.

The recommended decision provided that a cooperative would not be the handler for milk delivered from the farm in a tank truck under its control when such milk is received by a pool plant operator on the basis of farm weights and tests. A cooperative excepted to this provision because it believed it would be precluded from performing as a handler on any such milk.

When milk is picked up at producers' farms in a bulk tank truck under a cooperative's control and a pool plant operator receives such milk on the basis of farm weights and tests, such weights and tests are not determined by him. They are obtained by the pool plant operator from the cooperative under whose control the weight and test of the milk at each producer's farm are ascertained.

Accordingly, a cooperative should be designated as a handler, even though for somewhat limited purposes, on all tank truck milk under its control delivered to pool plants from producers' farms, whether or not it is received by the pool plant operator on the basis of farm weights and tests. This will facilitate the market administrator's obtaining the monthly reports of the weights and tests of the milk picked up at each producer's farm and of the quantity and test of such milk delivered to each pool plant. This is because, as a handler, a cooperative would be required to submit such reports directly to the market administrator instead of through the pool plant operator to whose plant the milk was delivered.

A cooperative expressed concern at the hearing that the modifications adopted might require a cooperative to be the handler for the milk of nonmember producers. Nothing in the amendments adopted would require a cooperative to pick up the milk of nonmember producers in tank trucks under the cooperative's operation or control. It does provide that if a cooperative should pick up milk of nonmember producers on routes under its control, it must assume varying degrees of responsibility with respect to such milk depending on the circumstances.

The provision adopted, which accommodates substantial flexibility in the arrangements under which cooperatives sell to pool plant operators, makes it possible for a cooperative to pick up, on its trucks or trucks under its control, the milk of nonmember producers for delivery to pool plants and for the pool plant operator to make payment directly to such nonmember producers for their milk. Thus, the degree of responsibility the cooperative will have for such milk will depend on the terms of the arrangements for its delivery to pool plants. At the same time, it will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of such cooperative, has contracted with the cooperative to act as the marketing agent for his milk. In this connection the cooperative may collect payment from pool plant operators for a nonmember producer provided such nonmember has given the cooperative authorization to make such collection.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. This amendment to the order is consistent with that provision of the Capper-Volstead Act wherein it is recognized that cooperatives may "deal in the products of nonmembers" and limits such dealings to amounts not greater in value than such as are "handled by it for members."

In the event the milk of a nonmember producer is diverted as producer milk from a pool plant to a nonpool plant by a cooperative, the cooperative should be the diverting handler with respect to such milk. Here the cooperative performs the complete handling function and in such capacity obviously must be held to be responsible for order obligations applicable to such milk. Thus, all milk commingled in the truck should be handled in equal terms insofar as its producer status under the order is concerned.

Another question raised was whether, in paying a nonmember producer, a cooperative may reblend proceeds due such nonmember producer with those paid to its member producers. If the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk, collect payment therefor, and reimburse him on the same basis as though he were a member of the cooperative, the cooperative could pay such nonmember on the same basis as it pays its member producers. However, such a contract between the cooperative and the nonmember must specifically provide for a payment re-

flecting: (1) The same blending of proceeds as is otherwise done for members, (2) the same treatment of withholding for capital (revolving fund), (3) the same right of liquidation of certificates issued for a revolving fund or other capital withholding, and (4) the same privilege of sharing an ultimate distribution of proceeds if and when special distribution is made, such as dividends or returns of unused deductions.

In the absence of a written contract containing the terms set forth above, the cooperative would be required to pay a nonmember producer, for whose milk it is the handler at not less than the uniform price announced by the market administrator for the month.

4. *Reports included in uniform price computation.* The order provision excluding from the current month's uniform price computation the report of a handler who has not paid his producers for the preceding month is not appropriate under current marketing conditions.

The market administrator must compute the uniform price for each month by the 12th of the following month. Four weeks earlier (by the 14th of the month) handlers must have completed their payments for producer deliveries in the preceding month.

It is not administratively feasible to audit the records of all handlers between the final date when payments to producers for the preceding month were due and the date by which the next monthly uniform price must be computed. Within that limited period of time, it is not practicable for the market administrator to determine that each handler has actually completed his payments to individual producers and cooperatives. Handlers' cancelled checks, for example, are necessary to verify such payments. They are received by handlers from their banks periodically, usually monthly, and it cannot be expected that all handlers' cancelled checks would be available for audit within the necessary time period.

In view of the above, the requirement to exclude from the current month's uniform price computation the report of a handler who has not paid his producers for the preceding month should be discontinued.

5. *Need for emergency action.* Proponent cooperative stated that emergency conditions now exist that warrant the omission of a recommended decision on their proposals to revise the diversion provisions. It alleged that emergency action is necessary because another cooperative contemplates adding to the pool, as diverted milk, the milk of dairy farmers who would ship to a distant cheese plant. These dairy farmers, proponent claimed, are told they will receive the f.o.b. Wichita order uniform price without incurring the cost of transporting such milk to a pool plant in the marketing area. This, the cooperative argued, would result in their exploiting the Wichita pool at the expense of producers regularly supplying the market.

The conditions under which milk may be diverted and the location at which diverted milk is priced are important provisions of the order. They can significantly affect returns to producers for diverted milk. The proposed changes in the present diversion provisions could, therefore, have a significant effect on producers, currently and prospectively, subject to the order. In view of this there should be opportunity to file exceptions thereto. The request for omission of the recommended decision on proposals to revise the diversion provisions therefore is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the the findngs and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Wichita, Kansas, marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of producer approval and representative period. July 1973 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Wichita, Kansas, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Wichita, Kansas marketing area.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area.

The hearing was held pursuant to the provisions of the Agricultural Market-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR, Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area, shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 25, 1973, and published in the FEDERAL REGISTER on June 29, 1973 (38 FR 17240), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modifications in §§ 1073.8, 1073.41 and 1073.80.

1. Section 1073.7 is revised as follows:

§ 1073.7 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant, diverted to a nonpool plant pursuant to § 1073.14(b), or accounted for by a cooperative association pursuant to § 1073.14(c), except:

(a) A producer-handler as defined in any order (including this part) issued pursuant to the Act, or

(b) A person with respect to milk that is physically received at a pool plant as diverted milk from an other order plant if a Class II or Class III classification under this order is designated for such milk and it is subject to the pricing and pooling provisions of another order issued pursuant to the Act.

2. In § 1073.8, paragraphs (c) and (d) are revised as follows:

§ 1073.8 Handler.

* * * * *

(c) Any cooperative association with respect to milk of producers it diverts from a pool plant to a nonpool plant;

(d) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant(s); and

* * * * *

3. Section 1073.10 is revised as follows:

§ 1073.10 Distributing plant.

"Distributing plant" means a plant approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month route disposition is made in the marketing area.

4. Section 1073.11 is revised as follows:

§ 1073.11 Supply plant.

"Supply plant" means a plant from which fluid milk products, acceptable to a duly constituted regulatory agency for distribution under a Grade A label, are shipped during the month to, and physically received at, a distributing plant.

5. Section 1073.12 is revised as follows:

§ 1073.12 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b) or (c) of this section that is not an other order plant or a producer-handler plant.

(a) A distributing plant that has:

(1) Route disposition, except filled milk, during the month of not less than 35 percent (25 percent for each month of March through July) of the fluid milk products, except filled milk, that are approved by a duly constituted regulatory agency for distribution under a Grade A label and are physically received at such plant, or diverted therefrom by the plant operator or a cooperative association to a nonpool plant as producer milk pursuant to § 1073.14, and route disposition, except filled milk, in the marketing area during the month is not less than 10 percent of such fluid milk products. If the entire quantity of fluid milk products, except filled milk, disposed of in packages in a particular size and form is received in such packages from other plants, all such disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate disposition of the receiving plant; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of performance standards described in paragraph (a) (1) of this section.

(b) A supply plant from which during the month not less than 50 percent of the total quantity of Grade A milk approved by a duly constituted regulatory agency that was physically received at such plant from dairy farmers and handlers described in § 1073.8(d), or diverted therefrom by the plant operator or a cooperative association as producer milk to a nonpool plant pursuant to § 1073.14, is shipped to a plant(s) described in paragraph (a) of this section. A supply plant that was a pool plant pursuant to this paragraph in each of the months of September through December shall be a pool plant in each of the following months of January through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments; and

(c) A plant that is approved by a duly constituted regulatory agency to handle milk for fluid consumption, that is operated by a cooperative association, and from which during the month not less than 50 percent of the milk of producer members of such association is delivered directly or is transferred by the association to pool plants described in paragraph (a) of this section, unless such plant qualifies for the month as a pool plant under another order issued pursuant to the Act by delivering 50 percent or more of its Grade A receipts from dairy farmers to plants qualified as pool distributing plants under such other order.

6. Section 1073.14 is revised as follows:

§ 1073.14 Producer milk.

"Producer milk" shall be that skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1073.8(d);

(b) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant, subject to the conditions of paragraph (d) of this section; or

(c) The difference between the quantity of milk as received by a handler pursuant to § 1073.8(d) from producers' farms and the quantity of such milk delivered to pool plants. For the purposes of §§ 1073.53 and 1073.82, such milk shall be deemed to have been received by such handler at the pool plant to which all other producer milk in the same tank truck was delivered.

(d) The following conditions shall apply to milk diverted from a pool plant to a nonpool plant that is not a producer-handler plant:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant;

(2) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of total milk of such person as a producer is received at a pool plant;

(3) The total quantity of milk diverted by a cooperative association that is greater than the total quantity of producer milk received at all pool plants during the month from the cooperative association shall not be producer milk;

(4) The total quantity of milk diverted by the operator (other than a cooperative association) of a pool plant that is greater than the total quantity received at such plant during the month from producers who are not members of a cooperative association shall not be producer milk;

(5) The diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk;

(6) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk; and

(7) Milk diverted to an other order plant shall be producer milk only if a Class II or Class III classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act and such milk is not subject to the pricing and pooling provisions of such order.

7. In § 1073.30, paragraph (c) is revised as follows:

§ 1073.30 Reports of receipts and utilization.

* * * * *

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1073.8(c) and (d), as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) The quantities delivered to each pool plant of another handler pursuant to § 1073.8(d) (the utilization of which is accountable by the latter under paragraph (a) of this section);

(3) The utilization of milk received under § 1073.8(d) but not delivered to the pool plant of another handler pursuant to such paragraph, and the utilization of milk for which the cooperative is the handler pursuant to § 1073.8(c); and

(4) Such other information as the market administrator may require.

8. In § 1073.53, the section title and the introductory paragraph are revised as follows:

§ 1073.53 Location adjustments to handlers.

For milk received from producers or from a handler pursuant to § 1073.8(d) at a plant and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (d) of this section or for other source milk to which a location adjustment is applicable, the price at such plant when located:

* * * * *

9. In § 1073.61, paragraph (c) is revised as follows:

§ 1073.61 Plants subject to other Federal orders.

* * * * *

(c) A supply plant meeting the requirements of § 1073.12(b) that also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

10. In § 1073.71, paragraph (a) is revised as follows:

§ 1073.71 Computation of uniform prices.

* * * * *

(a) Combine into one total the values computed pursuant to § 1073.70 for all handlers who filed the reports prescribed by § 1073.30 for the month, except those in default of payments required pursuant to § 1073.84 for the preceding month;

11. In § 1073.80, the introductory sentence in paragraph (d) is revised as follows:

§ 1073.80 Time and method of payment.

* * * * *

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1073.8(d), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect for their milk, shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

* * * * *

12. In § 1073.82, the section title and paragraph (a) are revised as follows:

§ 1073.82 Location adjustments to producers and on nonpool milk.

(a) For producer milk received at plants located outside Zone 1 there shall be added or deducted, as the case may be, an adjustment for each such plant for all milk at the rates specified in § 1073.53 (b) and (c); and

* * * * *

[FR Doc.73-19134 Filed 9-7-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Revision for Building-Out Capacitors

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by P.L. 93-32, REA proposes to issue REA Bulletin 345-23 to announce a revision in REA Specification PE-30 for building-out capacitors. On issuance of REA Bulletin 345-23, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision of PE-30 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revision of REA Specification PE-30 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345-23 announcing the revision of the specification is as follows:

REA BULLETIN 345-23

SUBJECT: REA Specification for Building-Out Capacitors, PE-30

I. *Purpose.*—To announce a revision in REA Specification PE-30 for Building-Out Capacitors.

II. *General.*—REA Specification PE-30 has recently been revised to include several desirable changes. The principal changes involve the addition of requirements for pole and manhole mounted assemblies and for single-capacitor units designed for multiple mounting, improved electrical requirements and environmental testing procedures.

This specification becomes effective immediately upon issuance of this bulletin. Manufacturers of building-out capacitors now accepted in the REA program shall have a period of six months to comply in all respects with revised REA Specification PE-30. This does not preclude the adoption of the revised specification prior to the effective date.

III. *Availability of specification.*—Copies of the revised PE-30 are available upon request from the Telephone Operations and Standards Division, REA. Questions concerning the revised specifications may be referred to the Chief, Transmission Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3917.

Dated September 4, 1973.

C. R. BALLARD,
Acting Assistant Administrator.

[FR Doc.73-19176 Filed 9-7-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[EDR-143B; Docket No. 19901]

AIR FREIGHT INDUSTRY

Uniform Credit, Billing and Collection Practices; Termination of Rulemaking Proceeding

SEPTEMBER 4, 1973.

By advance notice of proposed rulemaking EDR-143, dated August 23, 1968 (33 FR 12191), the Board gave notice that it had under consideration rulemaking action to establish uniform credit, billing, and collection practices within the domestic and international air freight industry. The background of the rulemaking proceeding is as follows:

On May 20, 1968, twenty-seven air freight forwarders filed an agreement with the Board relating to uniform

credit, billing, and collection practices.[1] The agreement provided that charges would be payable in cash at the time shipments are accepted or collect shipments delivered, except that credit may be extended for ten days by advance arrangement.[2] If payment is not timely received, the air freight forwarder will use its internal procedures for collection of the delinquent account during the next ten days. If the aggregate overdue balance exceeds $250 at the end of that period, then, within five days thereafter, the forwarder will notify the customer that he will be placed on a cash basis unless the account is fully paid within the next ten days. If full payment is not received within such ten-day period, then the customer must be placed on a cash basis from which he may not be removed until full payment of all of his outstanding accounts with the forwarder.[3]

The agreement further provided that it would not become effective until the Board had made its essential provisions applicable to all Board-authorized forwarders, and in that connection the parties to the agreement submitted an appropriate petition for rule making contemporaneously with the agreement. The petitioners contended that such a regulation would contribute to the financial stability of the industry and reduce the use of varying periods of credit for shippers as a competitive weapon and a discriminatory tool, while at the same time avoiding the legal and economic difficulties which could result from an attempt by the forwarders to impose an industry-wide embargo upon customers.

The Board did not reach any tentative conclusions as to whether such a rule should be adopted. Rather, the Board issued advance notice of proposed rulemaking EDR-143,[4] inviting comments and data focusing upon certain questions which were posed in the advance notice.

Comments in response to the advance notice were filed by the Air Freight Forwarders Association, on behalf of the 27 petitioners; Airlift International, Inc.; the Air Transport Association of America, on behalf of certain member carriers; the American Retail Federation; Continental Air Lines; Control Data Corporation; Emerson Electric Co.; The Flying Tiger Line Inc.; Japan Air Lines; the National Industrial Traffic League; the National Retail Merchants Association; Pan American World Airways; Radio Corporation of America; Raytheon Co.; Society of American Florists and Ornamental Horticulturists; Thatcher Glass Manufacturing Co.; 3M Co.; United Air Lines; United Parcel Service Co.; UNIVAC Division of Sperry Rand Corporation; and jointly by Wings and Wheels Express, Inc., and Air Express International Corporation.

Although considerable support was expressed for the general concept of uniform credit and billing practices, the preponderance of the comments expressed opposition to the provisions suggested by the petitioners. Many shippers said that their internal procedures for payment of bills would not lend themselves to payment within the time suggested by the petitioners. It was also said that the provision for automatically cutting off credit to shippers whose overdue accounts exceeded $250 would be unduly rigid and harsh; in this connection, some shippers and carriers contended that a creditor should be free to deal with delinquent accounts on an individual basis, taking into account the particular shipper's circumstances and other relevant factors.

We have determined to terminate the rulemaking proceeding in Docket 19901. Although we continue to believe that uniformity in billing and credit practices may be generally desirable, the particular regulatory approach suggested by the instant petitioners appears to present too many practical difficulties to warrant further consideration in this proceeding. In this connection, it should be noted that we have recently authorized discussions to be held among direct air carriers, with the participation of indirect air carriers and shippers, concerning the general questions raised by air freight credit, billing, and collection practices in interstate and overseas air transportation,[5] and we are hopeful that these discussions may provide an adequate basis for our future consideration of realistic regulatory action with respect to the subject problem.

Accordingly, the Board hereby terminates the rulemaking proceeding in Docket 19901.[6]

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-19167 Filed 9-7-73;8:45 am]

[1] Docket No. 18720.

[2] In such a case, billing will be made within ten days after acceptance of prepaid shipments, or ten days after delivery of collect shipments. The credit period will run from the date of billing until the date payment is mailed, such period not to exceed ten days.

[3] However, in the case of a contested billing, the customer need not be placed on a cash basis if he has properly paid the uncontested portion and explained the difference in writing to the air freight forwarder.

[4] In EDR-143, the Board also asked for comments as to whether any such rule should apply to direct air carriers and foreign air carriers, as well as to forwarders.

[5] Order 73-6-8, June 7, 1973, 38 FR 14974 (Docket No. 25398).

[6] By EDR-238B, being issued contemporaneously herewith, we are also terminating, for similar reasons, a rulemaking proceeding in Docket 24999 with respect to monthly reporting by route air carriers of amounts due from forwarders, and the age of such amounts.

[14 CFR Part 241]

[EDR 238 B; Economic Regulations Docket No. 24999]

UNIFORM SYSTEM OF ACCOUNTS

Monthly Reports; Termination of Rulemaking Proceeding

SEPTEMBER 4, 1973.

By notice of proposed rulemaking EDR-238, dated December 12, 1972 (37 FR 26835), the Board proposed to amend Part 241 of its Economic Regulations (14 CFR Part 241) so as to require route air carriers to file a monthly report of the amounts due from air freight forwarders, international air freight forwarders, and foreign indirect air carriers of property only holding a section 402 permit (foreign air freight forwarders), and of the age of these amounts, on a new Schedule B-15 of the CAB Form 41 report.

The proceeding was instituted after a review of the major air carriers by the Board's audit staff revealed that a large percentage of forwarders' accounts with direct air carriers were overdue. The Board noted that such credit practices were in violation of the carriers' tariffs, and expressed concern that they were resulting in bad-debt losses to the carriers and consequently increasing the cost of services to the traveling and shipping public. Accordingly, the Board proposed to monitor the carriers' compliance with their tariffs by means of the reporting system set forth in EDR-238.

Comments in response to the notice were filed by Air Express International Corporation; the Air Freight Forwarders Association, on behalf of its members; the Air Freight Motor Carriers Conference; the Air Transport Association of America, on behalf of certain of its members; Delta Air Lines, Inc.; Emery Air Freight Corporation; Pan American World Airways, Inc.; and Seaboard World Airlines, Inc.

We have determined to terminate the rulemaking proceeding in Docket No. 24999. The preponderance of the comments opposed the proposed rule, pointing out that for various reasons it would result in burdens and other difficulties greater than any benefits which it might provide. Although we continue to believe that more information concerning air freight accounts may be generally desirable, the particular regulatory approach proposed in EDR-238 appears to present too many practical difficulties to warrant further consideration in this proceeding. In this connection, it should be noted that we have recently authorized discussions to be held among direct air carriers, with the participation of indirect air carriers and shippers, concerning the general questions raised by air freight credit, billing, and collection practices in interstate and overseas air transportation,[1] and we are hopeful that these discussions may provide an adequate basis for

[1] Order 73-6-8, June 7, 1973, 38 FR 14974 (Docket No. 25398).

our future consideration of realistic regulatory action with respect to the subject problem.

Accordingly, the Board hereby terminates the rulemaking proceeding in Docket No. 24999.[2]

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-19168 Filed 9-7-73;8:45 am]

[14 CFR Parts 298, 389]

[EDR 253; ODR 7; Economic Regulations Organization Regulations Docket No. 25853]

CERTAIN FILING AND LICENSE FEES

Notice of Proposed Rulemaking

SEPTEMBER 4, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of the above parts which would adjust the current level of fees and set forth additional fees for Board services. The principal features of the proposed amendments are further described in the Explanatory Statement, and the proposed amendments are set forth in the Proposed Rule. This regulation is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324) and Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of comments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before October 11, 1973, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

EXPLANATORY STATEMENT

The Board's current schedule of license and filing fees has been in effect since March 1, 1968 (14 CFR 389). The schedule was constructed to recover approximately 25 percent of the costs of four operating bureaus in the areas of activity covered by the fees.[1] This amount of recovery is no longer possible at existing levels, yet the Board remains convinced that this is an appropriate goal. The Board estimates that the current total annual costs of providing for fee-associated activities is approximately $4.2 million.[2] However, at present levels, only $415 thousand, or approximately 10 percent of these costs, was recovered during fiscal 1973.

Although the Board in past years has recovered a greater amount under the existing schedule than was recovered last year, it is apparent both that the levels of prior recovery would not achieve a 25 percent recovery by reason of greatly increased costs of operations, and that under present conditions the Board is unlikely to issue the number of new authorizations issued in prior years, with a concomitant decrease in amount of fees from this source at present levels. The principal item of increased costs is reflected in the Board's salary and expense appropriation, which has grown by 80 percent since fiscal year 1966 (from $7,923,000 for 610 employees in that year, to $14,289,000 for 670 employees, in fiscal 1973). In determining the approximately $4.2 million in costs now attributable to fee-related activities, we have followed approximately the same methodology as was previously employed in fixing the 1968 level. Precise computations cannot be made, but the general goal has been to establish filing fees which would recover approximately one-quarter of the cost attributable to the activity involved. In some instances more may be recovered, in others less. In no instance is it estimated that the recovery would exceed the cost attributable to the activity.[3]

In addition to increasing the level of existing fees in various respects (see Summary of Proposed Fees infra), we also propose to establish new fees in the following categories:[4]

1. *Motions.*—The current fee schedules do not impose specific charges for the filing of motions under the Board's rules of practice. The costs of processing and reviewing motions are largely included in the cost of an underlying application subject to a fee. However, we believe that certain motions should be subject to special charges because they confer benefits beyond those contemplated in the underlying application. These are (1) motions to file otherwise unauthorized documents, e.g., further briefs or answers not provided for in the Board's rules; (2) certain motions to strike which lend themselves to use in lieu of unauthorized documents; and (3) motions for expedited action. The Board proposes to charge a $50.00 filing fee for these motions. It seems clear that parties filing these motions typically are requesting or obtaining special treatment. With particular attention to motions to strike, we note that they generally function as procedural devices for removing scandalous, impertinent, redundant, or immaterial matters or pleadings. However, motions to strike redundant or immaterial pleadings, etc., frequently appear to be used as opportunity to further argue the merits of a case. Accordingly, we propose to charge a filing fee of $50.00 where motions to strike are filed for purposes other than removing scandalous or impertinent matters or pleadings.

2. *Aircraft transactions.*—The Board also proposes to amend § 389.25 so as to provide a fee of $50 for the filing of agreements pursuant to Part 299 of the Board's Regulations. This Part grants a general exemption to direct air carriers from the requirements of section 408(a)(2) and (3) of the Act insofar as such provisions prohibit (without prior Board approval) the purchase or lease of aircraft by one air carrier from another or from a person engaged in any phase of aeronautics. Agreements relating thereto must be filed with the Board, and are thereafter reviewed by the Board's staff for conformance with the Regulations. At the present time, there is no charge for such filing. However, our review indicates that there should be such charge in view of processing costs incurred by the Board and special benefits conferred upon the parties by the exemption. For example, there were 35 such filings in fiscal year 1972, requiring careful review by the Board's staff. Additionally, the benefits to the industry are substantial in that the Regulations eliminate a formal section 408 application, remove the "prior approval" requirement and thereby expedite the consummation of these arrangements.

3. *Agreements filed for prior approval.*—Section 412 of the Act does not require that agreements be approved by the Board prior to their implementation. Nevertheless, there are certain agreements which do not become effective unless and until approved by the Board. It is our experience that these are typically complex and controversial in nature and require a great deal of the staff's time for analytical review. Accordingly, agreements and contracts for which the Board's prior approval is requested, other than those for which the requirement for prior approval has been imposed by the Board, shall be assessed a filing fee of $200.

---

[2] By EDR-143B, being issued contemporaneously herewith, we are also terminating, for similar reasons, a rulemaking proceeding in Docket 19901 with respect to the establishment of uniform credit, billing, and collection practices within the air freight industry.

[1] See, OR-27, 33 FR 68, January 4, 1968. The operating Bureaus noted therein are the Bureau of Administrative Law Judges, the Bureau of Economics, the Bureau of Operating Rights, and the Office of General Counsel.

[2] These costs include certain indirect costs which were not taken into account in fixing the 1968 level of fees. Total indirect cost items now included consist of a proportionate share of management and supervisory costs, rent and depreciation of property and equipment, costs of collecting fees, costs of leave earned by the Board's employees, and other nonsalary objects such as office supplies and material etc. Indirect costs are specified by OMB Circular A-25 as an item to be included.

[3] For applications filed under section 401, the prescribed filing fees recover only a fraction of the goal of 25 percent recoupment of allocated cost and the license fees are intended to recover the balance.

[4] As can be seen from an examination of the proposed rule, we have also taken this opportunity to make certain changes to § 389.25 for the purposes of organizational clarity.

4. *Applications to extend embargo notices.*—Part 228 of the Board's Regulations sets forth procedures whereby a carrier can apply for an extension of a previously filed embargo notice. It is our experience that the processing and review of these applications involve time and effort on the part of the Board and its staff, and can result in measurable special benefit to the applicant. Accordingly, we propose to include applications to extend embargoes filed under Part 228 in our fee schedule, and have tentatively determined to charge a filing fee of $25.00 therefor.

5. *Waiver of fees.*—Since the fee system was inaugurated, carriers have submitted many requests under § 389.23 for waiver of filing or license fees. At the present time, no charge is imposed on a request for a waiver of such fees. However, it is clear that the processing and review of waiver requests involve time and effort on the part of the Board and its staff, and confer special benefits upon the parties, and should therefore be included in our fee schedule. Accordingly, we propose charging a nominal fee of $25 for the filing of such requests, or 10 percent of the fee for which a waiver is sought, whichever is less.

SUMMARY OF PROPOSED FEES

Proposed Filing Fees

Section	Proposed Fee
298.50, Air taxi registration fee	$ 15
389.25	
(a)(1), Certificates of public convenience and necessity	300
(a)(2), License fees	See below
(b), Agreements, general	50
*Agreements and contracts filed for prior approval	200
(c), Air cargo pickup and delivery service	175
(d), Airport notice or authorization	40
(e), Service pattern change:	
Part 376	40
Parts 202 and 203	300
(f), Name change	300
(g)(1), Delay inauguration of, or temporarily suspend service	400
*(g)(2), Applications for extension of embargo notices	25
(h), Exemptions from section 401, waivers of Parts 207, 208, 372, 372a, 373, 378, and 378a, and special operating authorizations	300
(i), 403 exemptions	50
(j), Exemptions or waivers for the performance of a specific number of charters	100
For each additional charter	10
(k), Free or reduced-rate authority, waiver of tariff regulations, and special tariff permission	10
(l), Inclusive tour charter prospectus	50
(m), Bulk inclusive tour contracts and bonds	50
(n), Study group statements	50
(o), Travel group charters	50
(p), 409 interlocks	250
(q)(1), 408 applications, general	150
Mergers and control	3,000
*(q)(2), Lease/purchase agreements	50
*(r), Motions to file unauthorized documents, to strike, and for expedited action	50
(s), Operating authorization—air freight forwarders	400
(t)(1), Operating authorization—overseas military charter operators	400

SUMMARY OF PROPOSED FEES

Proposed Filing Fees

Section	Proposed Fee
(t)(2), Bonds covering overseas military charter operations	50
(u)(1), Tariffs issued by carriers (per page)	2
(u)(2), Tariffs issued by foreign air carriers	0
(v), Tariffs issued by publishing agents (per page)	2
*(w), Waiver of fees	25

*New Item.

Proposed License Fees

Revenue Bracket	Proposed Annual Gross Transport Fee
$0 to $100,000	No fee
$100,000 to $1,000,000	$2,000
$1,000,000 to $5,000,000	10,000
$5,000,000 to $10,000,000	20,000
$10,000,000 or over	40,000
Point deletion	1,500

PROPOSED RULE

It is proposed to amend Part 298 of the Board's Economic Regulation (14 CFR Part 298) and Part 389 of the Board's Organization Regulations (14 CFR Part 389) as follows:

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

1. Amend § 298.50(c)(3) to read as follows:

§ 298.50 Filing for registration by air taxi operators.

* * * * *

(c) Registration shall be * * *

(3) A Fifteen ($15) dollar registration fee. This shall be in the form of a check, draft, or postal money order, payable to the Civil Aeronautics Board.

* * * * *

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

2. Amend § 389.25 to read as follows:

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.*—(1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or a part thereof, is $300. The fee will be refunded, on request, if the application is withdrawn prior to hearing, is dismissed under the stale-application rule of § 302.911 of this chapter, is dismissed pursuant to the denial of consolidation rule of § 302.12(e) of this chapter, or is otherwise dismissed by the Chief Administrative Law Judge prior to hearing under the authority delegated to him in § 385.10(b) of this chapter.

(2) In addition to the filing fee, one of the following license fees shall be paid by each carrier which, pursuant to its application, is issued a certificate or has its certificate amended, modified, renewed, or transferred:

(i) A fee based on annual gross transport revenue increase, for the first full year of operations, as estimated by the Board, resulting from new, amended, modified, renewed, or transferred authority in accordance with the following schedule:

Over	Fee
$0 to $100,000	No fee
$100,000 to $1,000,000	$2,000
$1,000,000 to $5,000,000	10,000
$5,000,000 to $10,000,000	20,000
$10,000,000 or over	40,000

(ii) A fee of $1,500 for each point deleted where annual gross transport revenues are not estimated by the Board to increase from deletion or consolidation of points.

(iii) Within the meaning of paragraph (a)(2)(i) of this section, annual gross transport revenue increase resulting from renewed authority or authority issued to replace exemption authority shall be deemed equivalent to the difference between such revenues which the carrier will earn with the Board's authorization and such revenues which the carrier would have earned if the Board had denied such authority and the carrier's comparable prior certificate or exemption authority had expired. In the case of mergers, such annual gross transport revenue increase from transferred authority shall be deemed equivalent to the difference between such revenues which the new (or surviving) carrier will earn with the Board's authorization and such revenues which the merging carriers would have earned under their preexisting authority if the Board had disapproved the merger. Except as provided hereinafter, such annual gross transport revenue increase from transferred authority in nonmerger cases shall be deemed equivalent to the difference between such revenues which the person acquiring the route will earn with the Board's authorization and such revenues which such person would have earned if the Board had disapproved the transfer. In cases of transfer of authority due to a reincorporation not involving any merger, consolidation or change of ownership, or to the creation of a new corporation pursuant to an acquisition of control which the Board approves under section 408 of the Act and which involves only a substitution of the new corporation for the old, no gross transport revenue increase shall be deemed to result from the transfer of authority.

(b) *Agreements.*—(1) The filing fee for a contract or agreement filed under section 412(a) of the Act is $50; except that the fee is $200 where such filing seeks Board approval prior to the effective date of the contract or agreement. *Provided, however,* That the fee shall be $50 where the Board requires a contract or agreement to be filed for prior approval.

(2) Where a filing seeks approval of more than one contract, agreement, or conference resolution, a separate filing fee will be assessed for each separate contract, agreement, or resolution. *Provided, however,* That identical resolutions in the same filing applicable to dif-

ferent IATA conference areas will be counted as one resolution.

(c) *Air cargo pickup and delivery service.*—The filing fee for an application, under § 222.3 of this chapter, for tariff-filing authority providing for pickup and delivery service is $175.

(d) *Airport notice or authorization.*—The filing fee (1) for an airport notice, under § 202.3(a) or § 203.5(a) of this chapter, to permit a certificated route carrier to serve a point regularly through an airport not then regularly used by such carrier, or (2) for an application, under § 202.3(b)(2) of this chapter, for permission to use an airport, is $40.

(e) *Change in service pattern.*—The filing fee for an application for change in service pattern or an approved service plan is $40 for an application under Part 376 of this chapter and $300 for an application under Parts 202 and 203 of this chapter.

(f) *Change of name.*—The filing fee for an application, under Part 215 of this chapter, for a change of name or use of a trade name is $300.

(g) *Delay inauguration of or temporarily suspend service, and applications to extend property embargo notices.*—(1) The filing fee for an application, under Part 205 of this chapter, for authority to delay inauguration of service or to temporarily suspend service is $400.

(2) The filing fee for an application, under Subpart B of Part 228 of this chapter to extend a notice of embargo beyond thirty days is $25.

(h) *Exemptions from section 401, waivers of Parts 207, 208, 372, 372a, 373, 378, and 378a, and special operating authorizations.*—The filing fee for an application (1) for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act (except an application dealing with a specific number of charters), or (2) for a waiver of Parts 207, 208, 372, 372a, 373, 378, or 378a (except an application dealing with a specific number of charters), or (3) for a special operating authorization under section 417 of the Act, is $300.

(i) *Exemptions from section 403.*—The filing fee for an application for exemption under section 416(b) of the Act from the provisions of section 403 of the Act is $50.

(j) *Exemptions or waivers for the performance of a specific number of charters.*—The filing fee for an application for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act, or a request for a waiver of Parts 207, 208, 372, 372a, 373, 378 or 378a, for the performance of a specific number of charters (one-way or round-trip) is $100 plus $10 for each charter (one-way or round-trip) described, subject to a maximum fee of $300.

(k) *Free or reduced-rate authority, waiver of tariff regulations, and special tariff permission.*—The filing fee for applications (1) under § 223.8 of this chapter for authority to furnish free or reduced-rate overseas or foreign air transportation (except an application filed at the request of a U.S. Government agency or a foreign government), (2) under § 221.200 of this chapter for waiver or modification of the provisions of Part 221 with respect to the filing and posting of tariffs, or (3) for special permission under § 221.133 or § 221.191 of this chapter, is $10. With respect to applications for waiver or special tariff permission, such fee does not apply to an application which a foreign air carrier files or which a tariff publishing agent files on behalf of foreign air carriers exclusively.

(l) *Inclusive tour charter prospectus.*—The filing fee for each tour prospectus filed pursuant to § 378.10 or § 378.19 of this chapter is $50.

(m) *Bulk inclusive tour contracts and bonds.*—The filing fee for contracts and bonds covering a bulk inclusive tour or series of tours filed pursuant to § 378a.10 of this chapter is $50.

(n) *Study group statements.*—The filing fee for each study group statement filed pursuant to § 373.10 of this chapter is $50.

(o) *Travel group charters.*—The filing fee for each travel group charter filing pursuant to § 372a.22(a) of this chapter is $50.

(p) *Interlocking relationships under section 409.*—The filing fee for an application for approval of interlocking relationships under section 409 of the Act is $250.

(q) *Merger, acquisition of control etc., under section 408, and lease or purchase agreements under Part 299.*—(1) The filing fee for an application under section 408 of the Act is $150; except that the filing fee for an application for merger, consolidation, or acquisition of control of certificated air carriers is $3,000 for each certificated air carrier named in the merger, consolidation or acquisition of control.

(2) The filing fee for a lease or purchase agreement filed under Part 299 of this chapter is $50.

(r) *Motions.*—The filing fee for a motion, under Part 302 of this chapter, to strike, for leave to file an otherwise unauthorized document, or for expedited action is $50; except that there shall be no filing fee for a motion to strike impertinent or scandalous matters or pleadings.

(s) *Operating authorization—air freight forwarder.*—The filing fee for an application, under Part 296 or 297 of this chapter, for operating authorization as an air freight forwarder or international air freight forwarder is $400.

(t) *Operating authorization—overseas military personnel charter operator, and bonds covering overseas military personnel charter operations.*—(1) The filing fee for an application, under Part 372 of this chapter, for operating authorization as an overseas military personnel charter operator is $400.

(2) The filing fee for bonds covering overseas military personnel charter operations filed pursuant to § 372.24 of this chapter is $50.

(u) *Tariffs issued by carriers.*—(1) The filing fee for tariffs (including supplements and revised or additional original pages thereto) issued by an air carrier pursuant to section 403 or 1003 of the Act is $2 per page. That fee is applicable notwithstanding that the tariff contains participating foreign air carriers, but it is not applicable to a blank looseleaf page unless it cancels matter on the preceding issue of the page.

(2) There shall be no filing fee for tariffs issued by a foreign air carrier notwithstanding that the tariff contains participating air carriers.

(v) *Tariffs issued by publishing agents.*—The filing fee for tariffs (including supplements and revised or additional original pages thereto) issued by a publishing agent pursuant to section 403 or section 1003 of the Act is $2 per page, subject to the following conditions:

(1) If the tariff is issued on behalf of one or more air carriers exclusively, the filing fee is applicable to any page.

(2) If the tariff is issued on behalf of one or more foreign air carriers exclusively, no filing fee is applicable to any page.

(3) If the tariff is issued on behalf of one or more air carriers and one or more foreign air carriers, the filing fee is applicable to any page except to a page which the issuing agent states in his accompanying letter of tariff transmittal contains only:

(i) Matters pertaining exclusively to foreign air carriers, or

(ii) Changes only in matter pertaining exclusively to foreign air carriers when included on the same page together with matter (other than matter pertaining exclusively to foreign air carriers) which is reissued without change.

(4) The filing fee is not applicable to a blank looseleaf page unless it cancels matter on the preceding issue of the page other than matter pertaining only to foreign air carriers exclusively.

(5) Where two pages are published back-to-back on the same leaf and one page is not subject to a fee pursuant to paragraph (q)(3) of this section and the page on the reverse side is issued without change (except for pagination, correction number, and issued and effective dates), no fee is applicable to the latter page.

(6) The filing fee is applicable to a loose-leaf page containing a correction number check sheet unless all other pages of the tariff are exempt from filing fees.

(w) *Waivers.*—The filing fee for an application under § 389.23 of this chapter for a waiver or modification of fee is $25, or 10 percent of the fee for which a waiver is sought, whichever is less.

[FR Doc.73-19165 Filed 9-7-73;8:45 am]

[14 CFR Part 372a]

[SPDR 33; Special Regulations Docket No. 25854]

CERTIFICATED AND FOREIGN AIR CARRIERS

Travel Group Charters

SEPTEMBER 4, 1973.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 372a of its Special Regulations (14

CFR Part 372a) so as to authorize certificated air carriers and foreign air carriers to perform foreign-originating travel group charters organized in compliance with the rules of the country of origin, so long as: (1) those foreign rules are substantially similar to Part 372a, and (2) there is in effect, between the country of origin and the United States a formal agreement with respect to the charterworthiness of such operations. The purpose of the proposed amendment is explained in the attached explanatory statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of section 101(3), 204(a), 401, 402, 407, 416, and 1102 of the Federal Aviation Act of 1958, as amended, (72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766, 771, and 797; 49 U.S.C. 1301, 1324, 1371, 1372, 1386, and 1502).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 10, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Part 372a of the Board's Special Regulations (14 CFR Part 372a)[1] governs the operation of Travel Group Charters (TGC). Essentially the part permits groups of 40 or more persons having no "prior affinity" to hire all or part of an aircraft for round-trip transportation provided the group is formed at least ninety days in advance of the flight departure date, and each participant pays at least a twenty-five percent nonrefundable deposit. The actual cost of the trip is to be borne by the participants on a pro rata basis. The part authorizes the performance of charter flights by both U.S. and foreign direct air carriers in connection with foreign-originating as well as U.S.-originating TGC's, subject to compliance with the various conditions and restrictions set forth therein.

In adopting Part 372a, the Board had been motivated by the discrimination inherent in the "prior affinity" concept, and the fact that our existing rules had proven to be extremely difficult to enforce. These concerns as to the inherent failings of the "prior affinity" concept had been shared for some time by the regulatory authorities of many other countries. During the pendency of the rulemaking proceeding which culminated in the adoption of Part 372a, several participants had argued for the adoption of special rules with respect to foreign-originating TGC's, so as to permit such charters to be operated in conformance with the originating country's rules governing TGC's (or counterpart charter concept, however designated), so long as the foreign country's rules were substantially similar to those prescribed by Part 372a. However, at the time the Board adopted Part 372a, no foreign country had as yet promulgated comparable charter rules, and the Board therefore considered it premature to attempt then to prescribe standards for determining whether another country's future rules would be substantially similar to ours. The Board did, however, express agreement in principle with the merits of the proposed "law of the country of origin" approach, and indicated its willingness to deal with this matter later, in light of future developments in the international air transportation community, and to take appropriate implementing action—by amending our rules, granting waivers, or otherwise—giving due consideration to the interests of the public and the various competing classes of carriers.[2]

Subsequent to the Board's adoption of its TGC rule and an announcement by the United Kingdom of its intention to adopt an Advance-Booking Charter (ABC) rule, embodying a comparable concept, representatives of the governments of the United States, Canada, and the 20 member states of the European Civil Aviation Conference (ECAC), met in Ottawa, Canada, from October 17 to 19, 1972, and duly issued a joint Declaration of Agreed Principles for North Atlantic Charter Flights (Ottawa Principles). The Ottawa Principles were developed as a means to establish, during a period of experimentation with non-affinity charter concepts, a generally agreed framework which would permit all North Atlantic countries to establish substantially similar rules which could be reciprocally recognized. For its part, the Department of State in announcing acceptance by the United States of the Ottawa Principles, expressed its willingness to undertake discussions with other interested authorities in order "to arrive at [a] mutually agreeable regime for particular bilateral traffic flows and to ensure fully reciprocal treatment for U.S.-originating TGC flights."[3]

By now, a number of other foreign governments have adopted their own charter regulations, which are based upon the Ottawa Principles and incorporate restrictive features similar, but not identical, to those contained in Part 372a. Moreover, bilateral agreements have been concluded between the United States and some of those foreign governments, following discussions conducted in accordance with the above-described announcement of the State Department.

In light of the above, the Board believes that it would now be appropriate to propose amending Part 372a so as to authorize foreign air carriers holding section 402 permits, as well as all certificated U.S. air carriers, to perform foreign-originated TGC's or advance-booking charters, organized in compliance with the rules of the country of origin, so long as: (1) those foreign rules are substantially similar to ours, and (2) there is in effect, between the country of origin and the United States, a formal agreement with respect to the charterworthiness of such operations.

The Board has tentatively concluded that, in order for a foreign country's rules to be considered substantially similar to our own, they must embody, at a minimum, the following restrictions and conditions:

1. The participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip.

2. Each TGC/ABC contract must cover at least forty seats.

3. The list of actual participants (i.e., persons contractually bound to pay for a specifically identified flight) in each TGC/ABC group must be filed with appropriate regulatory authorities at least ninety days in advance of flight departure.

4. If there is to be a list of "standbys" (i.e., eligible substitutes for participants) for a TGC/ABC, and if the cost of the TGC/ABC is prorated among participants, then the number of such standbys shall not exceed three times the number of participants; but if the cost to individual TGC/ABC participants is not prorated, then the number of standbys shall not be greater than the number of seats contracted for.

5. No person shall be added to a standby list within ninety days prior to flight departure.

6. If the cost of the TGC/ABC is prorated among participants, then standbys may be substituted for participants at any time prior to flight departure; but if the cost to individual TGC/ABC participants is not prorated, then standbys may not be substituted for participants within thirty days prior to flight departure.

7. If the cost of the TGC/ABC is prorated among participants, then no more than twenty percent of the participants in any TGC/ABC group may be persons whose names were included on the standby list for that TGC/ABC flight; but if the cost to individual TGC/ABC participants is not prorated, then no more than fifteen percent of the number of seats contracted for may be sold to persons whose names were on the standby list relating to such flight.

[1] SPR-61, adopted September 27, 1972, 37 FR 20808, October 4, 1972.

[2] SPR-61, pp. 22-23 (mimeo).

[3] See Department of State Press Release # 296, dated December 1, 1972, containing the text of a letter from Deputy Assistant Secretary of State for Transportation and Telecommunications, Bert W. Rein, addressed jointly to the Chairman of the Canadian International Transport Policy Committee, Canadian Transport Commission, and the President of the European Civil Aviation Conference.

8. A TGC/ABC must be "round-trip" (i.e., including both a departure and return flight).

9. If the cost of the TGC/ABC is prorated among participants then a TGC/ABC must be for a minimum duration of at least seven days in the case of North American charters, and a minimum duration of at least ten days in the case of all other charters; but if the cost to individual TGC/ABC participants is not prorated, then during the period of April 1 to October 31, the TGC/ABC must provide for a minimum duration of at least fourteen days, and during the period of November 1 to March 31, the minimum duration must be at least ten days: *Provided, however,* That the minimum duration of non-prorated North American TGC/ABC's need not be greater than seven days.

10. If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

11. The direct air carrier shall maintain a list of the passengers actually carried on each TGC/ABC flight.

Our proposal to recognize the charterworthiness of foreign-originated TGC/ABC's operated pursuant to the rules of the country of origin so long as those rules embody the above-listed restrictions is grounded on our tentative conclusion that the proposed special rules will maintain, as our present rules have recently been held to maintain, "the necessary distinction between group and individually ticketed travel * * *."[4]

Although the minimum conditions which we are proposing to prescribe for foreign TGC/ABC rules include some which are less restrictive than those which we have imposed on U.S.-originating TGC's, others are included which are more restrictive than those presently contained in Part 372a. Viewed as a whole, we tentatively find that the cumulative effect of the various restrictions which we propose herein would be "to insure that charter travel [does] not become a guise for individually ticketed services."[5]

In reaching our conclusion to modify the inbound charter rules, we have given great weight to the fact that the pro rata characteristic of our TGC rule appears to be unacceptable to a number of foreign governments for charters originating in their territory. Our insistence on this one requirement, regardless of the country of origin or the flag of the carrier, could thus result in effectively aborting the TGC experiment. Moreover, as a general principle, we are mindful that the international aviation system cannot maintain its viability if every government rigidly insists on imposing its own regulatory concepts on other sovereign states.

Our approach here, which is designed, as a matter of comity, to recognize the validity of rules of foreign governments for charters originating in their territory, while maintaining our own rules for charters originating in this country, represents a reasonable accommodation of the divergent viewpoints of various sovereign members of the international aviation community in dealing with a common problem.

The proposed rules should generally enable inbound TGC/ABC charters to be operated from all countries with which the United States has concluded a formal agreement with respect to the charterworthiness of this new class of charters. These agreements have thus far included, and future agreements are expected to include, a stipulation that the subject rules of the signatories are "substantially similar." To the extent that the rules of a particular foreign signatory may embody variations which do not completely comply with our proposed restrictions, authority to operate charters under such foreign rules would have to be obtained by waiver, pursuant to § 372a.3.

Finally, we are proposing a technical amendment to §372a.31, which would impose on TGC organizers who organize foreign-originated TGC/ABC flights certain requirements as to retention and disclosure of relevant records which will enable us to determine whether the rules of the country of origin are actually being followed.[6]

Proposed Rule

It is proposed to amend Part 372a of the Special Regulations (14 CFR Part 372a) as follows:

1. Amend the table of contents by adding a new Subpart F, the table as amended to read in part as follows:

Subpart E—Reporting Requirements

Sec.
372a.50 Reporting requirements.

Subpart F—Foreign-Originating Travel Group Charters

372a.60 Foreign-originating travel group charters.

2. Amend the definitions of "travel group charter" and "travel group charter organizer" in § 372a.2 to read as follows:

§ 372a.2 Definitions.

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

* * * * *

"Travel group charter" means a round-trip charter to be performed by one or more direct air carrier which is arranged and sponsored by a charter organizer for a travel group and which meets the requirements set forth in §§372a.10 or 372a.60, whichever is applicable.

"Travel group charter organizer" means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier), who is authorized hereunder to engage in the formation of travel groups in accordance with the provisions of this part; or (2) a foreign charter organizer.

3. Amend § 372a.22 by adding, as a new paragraph (e), matter deleted hereinabove from § 372a.2, the section, as amended, to read as follows:

§ 372a.22 Operating authorization of charter organizer.

* * * * *

(d) On and after May 30, 1973, * * *

* * * * *

(e) With respect to the charter contract, such charter organizer acts solely as agent for, and holds all moneys received from any source in connection therewith as agent for, the members of the travel group.

4. Amend § 372a.31 by inserting, following paragraph (a) a new paragraph (a–1), and by revising paragraph (b), the entire section, as amended, to read as follows:

§ 372a.31 Record retention.[8]

(a) Every charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) conducting a travel group charter pursuant to this part shall retain for 2 years after completion of the charter or series of charters true copies of the following documents at its principal or general office in the United States (or, if it is a foreign charter organizer, then at its principal or general office):

(1) All documents which evidence or reflect deposits made by, and refunds made to, each charter participant;

(2) All statements, invoices, bills, and receipts from suppliers or furnishers of goods and services in connection with the travel group charter or series of charters.

(a–1) Every charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) conducting a travel group charter pursuant to Subpart F of this part shall retain for 2 years after completion of the charter at its principal or general office in the United States true

---

[4] Saturn Airways, Inc. v. CAB, No. 72–1904, D.C. Cir., July 11, 1973, at 19.

[5] Id., at 21.

[6] The attached proposed rule also includes technical revisions of the definitions of "travel group charter" and "travel group charter organizer" in § 372a.2 so as to conform to the proposed substantive amendments, and would eliminate from the definition of the latter term certain substantive material, which would become incorporated in § 372a.22.

[8] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. Title 18, U.S.C. § 1001.

copies of all documents which it is required by the applicable rules of the originating country to file with the regulatory authorities of that country or to maintain in its own files for any specified period.

(b) Every such charter organizer shall make the documents required to be retained by the provisions of the foreging paragraphs (a) or (a–1), as the case may be, available upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

5. Amend § 372a.40 to read as follows:

§ 372a.40 Charter not to be performed unless in compliance with part.

A direct air carrier shall not perform air transportation in connection with a travel group charter unless it has made a reasonable effort to verify that all provisions of this part have been complied with (or, if it is a foreign-originated charter to which Subpart F applies, that all provisions of the rules of the country of origin have been complied with), and that the charter organizer's authority under this part has not been suspended by the Board (or, if it is a foreign-originated charter to which Subpart F applies, that the charter organizer's authority has not been suspended by the regulatory authorities of the country of origin): *Provided, however,* That except with respect to foreign-originated charters operated pursuant to Subpart F of this part, where a travel group is organized by a foreign charter organizer over whom the Board has declined to exercise its jurisdiction pursuant to § 372a.20a, no direct air carrier may perform air transportation in connection with such travel group charter unless the charter is formed and implemented in accordance with the general conditions and limitations set forth in Subpart B of this part and the charter organizer performs all the acts and duties which this part requires to be performed by charter organizers within the Board's jurisdiction, other than the provisions set forth in §§ 372a.22(b)(4)(iii), 372a.25 and 372a.31.

6. Amend Part 372a by adding a new Subpart F to read as follows:

Subpart F—Foreign-Originating Travel Group Charters

§ 372a.60 Foreign-originating travel group charters.

(a) Notwithstanding the general conditions and limitations set forth in Subpart B of this part or the conditions set forth in §§ 372a.22, 372a.25, 372a.27 through 372a.30, 372a.31(a)(1), or the prohibitions set forth in §§ 372a.41 and 372a.42, or the reporting requirements set forth in Subpart E of this part, direct air carriers and charter organizers (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) are authorized to operate and organize foreign-originating travel group or advance-booking charters (referred to herein as TGC/ABC) in compliance with the applicable rules of the originating country, so long as (1) such foreign rules conform to paragraph (b) of this section, and (2) there is in effect a formal agreement between the originating country and the United States with respect to the charterworthiness of such operations.

(b) The following are the restrictions and conditions to which foreign rules must conform in order for direct air carriers and charter organizers to operate and organize foreign-originating TGC/ABC charters pursuant to paragraph (a) of this section:

(1) The participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip.

(2) Each TGC/ABC contract must cover at least forty (40) seats.

(3) The list of actual participants (i.e., persons contractually bound to pay for a specifically identified flight) in each TGC/ABC group must be filed with appropriate regulatory authorities at least ninety (90) days in advance of flight departures.

(4) If there is to be a list of "standbys" (i.e., eligible substitutes for participants) for a TGC/ABC, and if the cost of the TGC/ABC is prorated among participants, then the number of such standbys shall not exceed three times the number of participants; but if the cost to individual TGC/ABC participants is not prorated, then the number of standbys shall not be greater than the number of seats contracted for.

(5) No person shall be added to a standby list within ninety (90) days prior to flight departure.

(6) If the cost of the TGC/ABC is prorated among participants, then standbys may be substituted for participants at any time prior to flight departure; but if the cost to individual TGC/ABC participants is not prorated, then standbys may not be substituted for participants within thirty (30) days prior to flight departure.

(7) If the cost of the TGC/ABC is prorated among participants, then no more than twenty percent of the participants in any TGC/ABC group may be persons whose names were included on the standby list for that TGC/ABC flight; but if the cost to individual TGC/ABC participants is not prorated, then no more than fifteen percent of the number of seats contracted for may be sold to persons whose names were on the standby list relating to such flight.

(8) A TGC/ABC must be "round-trip" (*i.e.*, including both a departure and return flight).

(9) If the cost of the TGC/ABC is prorated among participants, then a TGC/ABC must be for a minimum duration of at least seven days in the case of North American charters, and a minimum duration of at least ten days in the case of all other charters; but if the cost to individual TGC/ABC participants is not prorated, then during the period of April 1 to October 31, the TGC/ABC must provide for a minimum duration of at least fourteen days, and during the period of November 1 to March 31, the minimum duration must be at least ten days: *Provided, however,* That the minimum duration of a nonprorated North American TGC/ABC need not be greater than seven days.

(10) If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

(11) The direct air carrier shall maintain a list of the passengers actually carried on each TGC/ABC flight.

[FR Doc.73-19169 Filed 9-7-73;8:45 am]

COST OF LIVING COUNCIL

[6 CFR Part 152]

EXECUTIVE AND VARIABLE COMPENSATION

Notice of Proposed Rulemaking

Correction

In FR Doc. 73-18704 appearing at page 23628 in the issue for Friday, August 31, 1973, § 152.130(e)(1) in the second column on page 23640 should be corrected to read as set forth below:

(e) *Limitation on incentive compensation*—(1) *General.* Payments, awards, or grants of incentive compensation pursuant to incentive compensation plans or practices subject to the provisions of § 152.124 or § 152.125, made with respect to a fiscal year with respect to employees who are members of an executive control group, shall not exceed an amount which is equal to the product of the allowable amount for the plan or practice unit (determined pursuant to § 152.124 or § 152.125, as applicable, and before adjustment for changes in size of plan or practice unit) and the apportionment factor for the plan or practice determined pursuant to paragraph (e)(2) of this section, multiplied by the adjustment factor for the executive control group determined pursuant to paragraph (e)(3) of this section.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sodium Chlorate; Proposed Exemption From Requirement of a Tolerance

On the initiative of the Administrator it is proposed that sodium chlorate, when used with urea as a fire retardant, be exempted from the requirement of a tolerance in or on the raw agricultural commodity sorghum grown for seed only.

Based on available data it is concluded that:

1. The pesticide is useful for the purpose for which the exemption is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. 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 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.1020 be amended by adding a new paragraph as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

* * * * *

Sodium chlorate, when used with urea as a fire retardant, is exempted from the requirement of a tolerance for residues in or on sorghum grown for seed only when used in accordance with good agricultural practice as a desiccant in sorghum seed production.

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, on or before October 10, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before October 10, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated August 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-19105 Filed 9-7-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5419]

EXEMPTION OF CERTAIN PROMISSORY NOTES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new Rule 239 (17 CFR 230.239) under the Securities Act of 1933 (Act). The proposed rule would provide an exemption pursuant to section 3(b) of the Act for certain promissory notes directly secured by a first lien on a parcel of residential real estate. Section 3(b) authorizes the Commission to exempt from the registration requirements of the Act any issue of securities if the aggregate amount at which such issue is offered to the public does not exceed $500,000 and if the Commission finds that the enforcement of the Securities Act with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering.

Proposed Rule 239 exempts from registration certain first lien promissory notes. The exemption will apply only to notes originated by certain banking institutions or other regulated mortgages. In order to insure the small-issue aspect of the exemption, the following requirements are contained within the rule: (1) the aggregate unpaid principal amount of the notes and the aggregate offering price to the public cannot exceed $500,000; (2) the aggregate unpaid debt secured by the lien cannot exceed 95 percent of the property's appraised valuation; (3) the unpaid principal amount of each note cannot be less than $15,000; and (4) the notes shall be sold for cash or purchasers' obligations to pay cash within 60 days after sale.

For purposes only of the proposed rule, the term "issuer" is defined as the mortgagor or such other person who may be primarily obligated on the evidence of indebtedness secured by the lien on the property. Further, the rule makes clear that the insuring of mortgages will not destroy the exemption afforded by it.

It should be noted that the proposed rule resembles in many respects existing Rule 234 (17 CFR 230.234) under the Act. Rule 234 is designed basically to provide an exemption from registration for owners of real estate who have a limited investment in their property and issue first lien notes thereon. Rule 239, on the other hand, would generally exempt the resale of first lien mortgage notes in the so-called secondary market, which is generally limited to institutional or similar investors. The Commission proposes to retain Rule 234 in its present form in order to continue to provide an exemption from registration for homeowners and others who now rely upon it, while at the same time adopting Rule 239 to validate, within certain specified limits, the operation of the ongoing secondary market in mortgages, which appears to have operated for many years without any significant abuses.

The text of the proposed rule follows:

§ 230.239 Exemption of certain promissory notes directly secured by a first lien on real estate.

(a) Promissory notes directly secured by a first lien on a single parcel of real estate upon which is located a dwelling or other residential structure shall be exempt from registration under the Act if such notes are offered in accordance with the following terms and conditions:

(1) Neither the aggregate unpaid principal amount of the notes secured by the lien on the property nor the aggregate amount at which such notes are offered by the issuer to the public shall exceed $500,000;

(2) The aggregate unpaid principal amount of all indebtedness secured by the first lien on the property shall not exceed 95 percent of the appraised value of such property;

(3) The promissory notes secured by the lien on the property must be or have originated by a savings or loan association, savings bank, commercial bank, or similar banking institution which is supervised and examined by a Federal or State authority or by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to 12 U.S.C. §§ 1703, 1707(b);

(4) The unpaid principal amount of each note to be offered shall not be less than $15,000;

(5) The notes shall be sold for cash or purchasers' obligations to pay cash within 60 days after sale.

(b) Interests or participations in, or promissory notes secured by a lien upon another note or notes which are in turn secured by a first lien upon real estate shall not be deemed to be directly secured by a first lien on real estate within the meaning of this rule.

(c) For purposes of this rule, the issuer is deemed to be the mortgagor or such other person who may be primarily obligated on the evidence of indebtedness secured by the lien on the property.

(d) Private mortgage insurance applicable to a promissory note or notes shall not affect the availability of the exemption afforded by this rule.

(e) No exemption shall be available under this rule for any investment contract or other security the offering of which is involved in the offering of the notes secured directly by a first lien upon residential real estate.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 3(b) and 19(a) thereof.

All interested persons are invited to submit their views on the proposed rule, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, to be received on or before October 11, 1973. All such communications will be available for public inspection and should refer to File No. S7-493.

(Secs. 3(b), 19(a), 48 Stat. 75, 85, sec. 209, 48 Stat. 908, 59 Stat. 167, 84 Stat. 1480, 15 U.S.C. 77c(b), 77s(a).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 6, 1973.

[FR Doc.73-19283 Filed 9-7-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

CALCIUM PANTOTHENATE FROM JAPAN

Antidumping; Determination of Sales at Less Than Fair Value

SEPTEMBER 6, 1973.

Information was received in proper form on October 20, 1972, that calcium pantothenate from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15086).

I hereby determine that for the reasons stated below, calcium pantothenate from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based.—The information before the U.S. Customs Service indicates that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of an ex-godown or c.i.f. price, as appropriate, for exportation to the United States, with deductions for ocean freight, inland freight, insurance charges, and shipping charges, as applicable.

Home market price was calculated on the basis of a weighted-average delivered price to purchasers in the home market with deductions, as appropriate, for inland freight charges, insurance charges, and sales promotion rebates. An adjustment was made for differences in credit costs.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

Calcium pantothenate produced and sold by Fuji Chemical Industries, Ltd., of Tokyo, Japan, is excluded from this determination of sales at less than fair value since 100 percent of its export sales during the period under consideration were examined, and the home market price of its merchandise was found to be lower than the purchase price of such or similar merchandise in every instance.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-19297 Filed 9-7-73;10:15 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

ADVISORY COMMITEE MEETINGS

Correction

The Department of Defense Advisory Group on Electron Devices notice of meetings published at 38 FR 22806, August 24, 1973, is changed to read as follows:

The Department of Defense Advisory Group on Electron Devices, and various working groups thereof, will meet in closed sessions on dates indicated below. Unless otherwise indicated, meetings will be held at 201 Varick Street, New York, New York.

Advisory Group on Electron Devices, September 11, 1973.
Working Group on Special Devices, September 11, 1973.
Working Group on Passive Devices, September 18, 1973.
Working Group on Low Power Devices, September 21, 1973.
Meeting to be held at the Naval Electronics Laboratory Center, 271 Catalina Boulevard, San Diego, California.
Working Group on High Power Devices, September 25-26, 1973.

The purpose of the DoD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92-463, Section 10d, the Director of Defense Research and Engineering has determined, on 28 Feb 1973, that the meetings of the Advisory Group are matters which fall within policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code and that the public interest requires such activities to be withheld from disclosure insofar as the requirements of subsection (a)(1) and subsection (b) of section 10, Public Law 92-463 are concerned.

September 5, 1973.

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

[FR Doc.73-19152 Filed 9-7-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

BONNEVILLE REGIONAL ADVISORY COUNCIL

Notice of Public Meetings

The Bonneville Regional Advisory Council will hold a series of regional meetings to discuss the energy situation in the Pacific Northwest. The dates and places of the meetings are as follows:

Tuesday, September 18—Burley, Idaho (Ramada Inn).
Tuesday, September 25—Portland, Oregon (Sheraton Motor Inn).
Wednesday, September 26—Spokane, Wash. (Ridpath Motor Inn).
Wednesday, October 3—Pasco, Wash. (Red Lion Inn).
Thursday, October 4—Seattle, Wash. (Seattle Downtown Hilton Hotel).

Each meeting will begin at 10:15 a.m. and will be open to interested members of the public. There is no registration fee, but there will be a charge for the no-host luncheon.

The main purpose of the meeting will be to discuss the near-term power outlook, energy conservation and curtailment, the proposed upcoming BPA rate increase, and the long-range implementation of the Hydro-Thermal Power Program.

The regional meetings of the Bonneville Regional Advisory Council provide a general forum for the free exchange of ideas as to the best ways of utilizing the energy resources of the region.

Copies of the proceedings of each meeting will be furnished on request to the Executive Secretary, Bonneville Regional Advisory Council, P.O. Box 3621, Portland, Oreg. 97208.

Dated August 29, 1973.

DAN W. SCHAUSTEN,
Executive Secretary, Bonneville Regional Advisory Council.

[FR Doc.73-19102 Filed 9-7-73;8:45 am]

Fish and Wildlife Service

NUNIVAK NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577:78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7 p.m. on October 17 at the school house, Medoryuk Island, 2nd. Judicial District, Alaska, and to be continued on October 24, at 7 p.m., at the Loussac Library, Anchorage, Third Judicial District, Alaska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Nunivak Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Nunivak National Wildlife Refuge, which is located in the 2nd Judicial District, State of Alaska.

A study summary containing a map and information on the Nunivak Wilderness Study may be obtained from the Refuge Manager, Clarence Rhode National Wildlife Range, Box 346, Bethel, Alaska 99559, or the Area Director, Bureau of Sport Fisheries and Wildlife, 813 D Street, Anchorage, Alaska 99501.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 23, 1973.

Dated September 4, 1973.

CHARLES M. LOVELESS,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-19138 Filed 9-7-73;8:45 am]

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 9:30 a.m., E.D.T., on Friday, September 28, 1973, at the Sleeping Bear Dunes National Lakeshore Interim Visitor Center, Intersection of 109 & Welch Road, 4.4 miles south of Glen Haven, Michigan.

The purpose of the Indiana Dunes National Lakeshore Advosiry Commission is to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman), Indianapolis, Indiana.
Mr. Harry W. Frey, Michigan City, Indiana.
Mrs. Ione F. Harrington, Chesterton, Indiana.
Mr. John A. Hillenbrand II, Batesville, Indiana.
Mr. Ed Masiulis, Beverly Shores, Indiana.
Mr. Harold G. Rudd, Portage (Ogden Dunes), Indiana.
Mr. John R. Schnurlein, Valparaiso, Indiana.

The matters to be discussed at this meeting include:

1. Superintendent's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
2. Land Acquisition Officer's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
3. Discussion of the Gary-Lake-Porter County Regional Transportation Planning Commission Suggestions on West Beach Parking Facility.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, at 219-926-7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the Superintendent's Office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated August 28, 1973.

IRA WHITLOCK,
Acting Associate Director, National Park Service.

[FR Doc.73-19090 Filed 9-7-73;8:45 am]

MINUTE MAN NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Minute Man National Historical Park Advisory Commission will be held, commencing at 8:00 p.m., on Thursday, September 27, 1973, at Park Headquarters on Route 2A, Lincoln, Massachusetts.

The Commission was established by Public Law 86-321 to advise the Secretary of the Interior on the development of Minute Man National Historical Park.

The members of the Advisory Commission are as follows:

Mr. James DeNormandie, Lincoln, Massachusetts.
Mr. Donald E. Nickerson, Lexington, Massachusetts.
Mr. Francis S. Moulton, Jr., Concord, Massachusetts.
Mrs. Katharine S. White, Lincoln, Massachusetts.

The matters to be discussed at this meeting include land acquisition and proposed developments. In addition, the Superintendent will give a report on activities and park operations since the last Commission meeting.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and it is expected that not more than 35 persons will be able to attend. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact Herbert Olsen, General Superintendent, Boston Group, National Park Service, at 617-369-6993. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the Boston Group, National Park Service, Liberty Street, Concord, Massachusetts.

Dated August 28, 1973.

IRA WHITLOCK,
Acting Associate Director, National Park Service.

[FR Doc.73-19089 Filed 9-7-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA AND MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREAS

Determination of Equivalent Prices in August 1973 for New York Grade AA (93-Score) Butter

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas, hereinafter referred to as the "orders", it is hereby found and determined as follows:

(1) Due to the limited number of days on which a price for Grade AA (93-score) butter at New York was reported by the Dairy and Poultry Market News Service, U.S. Department of Agriculture, Agricultural Marketing Service, we conclude that the prices reported do not provide an adequate basis for computing an average price for such grade of butter for August 1973.

Dairy and Poultry Market News Service regularly reports wholesale bulk butter prices for New York Grade AA (93-score) butter on Tuesday, Thursday, and Friday of each week. The average of such prices during the month is used to determine the Class II butterfat differentials pursuant to the two specified milk orders. For the first two weeks of August 1973, no quotations were reported for the New York 93-score butter. For the second half of the month, only two quotations were reported. An average of these wholesale prices is not representative for the month because the end-of-month quotations do not give proper weight to the lower level of spot market prices in the beginning of the month. It is therefore determined to be necessary to provide equivalent prices for those reporting days on which the wholesale prices at New York for Grade AA (93-score) butter were lacking.

Such equivalent prices have been determined based on spot market prices for New York Grade AA (93-score) butter on the New York Mercantile Exchange plus a normal differential between such spot prices and wholesale bulk selling prices. Using these equivalent prices in conjunction with the wholesale bulk New York Grade AA (93-score) butter prices reported during the month, it is hereby determined that the average New York Grade AA (93-score) butter price for August 1973, for purposes specified in the aforesaid orders, is 78.02 cents.

(2) Notice of proposed rulemaking, public procedure thereon, and 30 days prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest, in that (a) the daily wholesale bulk selling price for New York Grade AA (93-score) butter has been reported by the Dairy and Poultry Market News Service, U.S. Department of Agriculture, Agricultural Marketing Service, on only two days during August 1973, and such prices are not representative prices for the entire month of August 1973; (b) the need for determination of equivalent prices could not be known until the end of August 1973, and such determination could not be made until all available data for the month had been obtained; (c) the determination of such equivalent prices is necessary to make possible the announcement of butterfat differentials pursuant to the orders on September 5, 1973; (d) this determination is necessary to give notice to all interested persons that the average of the New York Grade AA (93-score) wholesale bulk butter prices reported by the Dairy and Poultry Market News Service during August 1973 will not be the price used in computing butterfat differentials under the aforesaid orders; and (e) this determination does not require substantial or extensive preparation by any person.

Signed at Washington, D.C., on September 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-19135 Filed 9-7-73;8:45 am]

Office of the Secretary

AGRICULTURE GRANT AND AGREEMENT REGULATIONS

Notice of Promulgation of Policies and Procedures

Notice is hereby given that the U.S. Department of Agriculture has promulgated uniform policies and procedures applicable to administrative processes of grants and cooperative agreements.

These policies and procedures are set out as Title 4, USDA Administrative Regulations, "Agriculture Grant and Agreement Regulations."

Copies of Title 4 or any part thereof may be obtained in person or by mail from the Office of the Director, Office of Plant and Operations, U.S. Department of Agriculture, Washington, D.C. 20250.

As these policies and procedures relate to agency management, grants, and contracts, they are not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553. They are, however, subject to the Secretary's Statement of Policy (36 FR 13804). These policies and procedures incorporate existing policy contained in the Code of Federal Regulations and embody existing Government-wide policy promulgated by the Office of Management and Budget. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Statement of Policy, that notice and other public procedures with respect to this issuance are impracticable and unnecessary.

After review of these policies and procedures, interested parties are encouraged to submit written comments, views, or data to the Director, Office of Plant and Operations. Such comments, views, or data will be considered in future changes.

Effective date.—This notice shall be effective September 10, 1973.

Done at Washington, D.C., this 5th day of September 1973.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.73-19130 Filed 9-7-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-387]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corporation has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-115 covering subsidized service on Trade Route No. 18 (U.S. Atlantic and Gulf/India, Persian Gulf, Red Sea) to permit it to carry inbound cargo from the ports of Bombay, Karachi or Cochin for discharge at United States Atlantic ports. The applicant's contract presently specifically prohibits the carriage of such cargo.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to Section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on September 19, 1973, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated September 6, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-19237 Filed 9-7-73;8:45 am]

National Bureau of Standards

SECURITY EQUIPMENT CATALOG AND A DIRECTORY OF SECURITY RESOURCES

Proposed Development

The Law Enforcement Standards Laboratory (LESL), sponsored by the National Institute of Law Enforcement and Criminal Justice, proposes to develop a Security Equipment Catalog and a Directory of Security Resources. The catalog will present descriptions of security devices and equipment in generic classes. It will include a separate section listing manufacturers. The directory will identify resources which are capable of providing security planning or consulting services, and describe community action groups which could affect support of communitywide security projects. The purpose of this notice is to solicit comments on and contributions to the two publications.

Product listings in the catalog will describe the following aspects: the function performed, methods of operation, usual applications, cost ranges of available devices, essential and optional features, and known manufacturers currently producing that type of item. An appendix to the catalog will present the manufacturers' names, addresses, classes of security items produced, and whether purchases can be made directly or only through distributors or retailers. The catalog will be limited to those items associated with the security of homes, small business buildings, vehicles, and pedestrians. Manufacturers' catalogs and price sheets will be an acceptable response to this notice.

For inclusion as a security resource in the directory, the following information is essential: name, address, telephone number, services provided, usual type of client, years of operation, man-years of experience, and usual geographic area of operation. For community action groups the following information is essential: name, address, telephone, membership requirements, number of members, date of organization, types of projects, and modes of publicity.

Both publications are intended to be distributed to police departments, security firms, and to the general public. Equipment descriptions and specifications and summaries of resource capabilities will be collected from interested individuals, firms, and organizations until October 31, 1973.

Send comments and contributions to:

LESL Security Equipment Project
Building 225, Room A122
National Bureau of Standards
Washington, D.C. 20234

Dated September 4, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-19154 Filed 9-7-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

NOTICE OF MEETINGS

The Director, Center for Disease Control announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of September 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Safety and Occupational Health Study Section.	Sept. 13-14, 9:00 a.m., Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—9:00 a.m.—2:35 p.m. on Sept. 13. Closed—remainder of meeting. Contact Dr. John F. Bester, Room 9A-16, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-4453

Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in programs areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: From 9:00 a.m. to 2:35 p.m. on September 13, the Study Section will be open for administrative and staff reports, current status of support for training, NIOSH manpower development plans, occupational medicine residence support, retention of existing training programs and stimulation of additional programs, and planned conference on training for black colleges. From 2:35 p.m. on September 13 through the end of the meeting, the Study Section will be reviewing research and demonstration grant applications and will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Public Law 92-463, Section 10 (d).

Committee name	Date, time, place	Type of meeting and/or contact person
Venereal Disease Control Advisory Committee.	Sept. 13-14, 9:00 a.m., Room 207, Bldg. 1, Center for Disease Control, Atlanta, Ga.	Open—Contact Mr. Joe H. Miller, Room 320, Bldg. B, Center for Disease Control, Atlanta, Ga. Code 404-633-3637

Purpose: The committee is charged with advising on means and methods of implementing venereal disease control programs, reviewing current and proposed program operations and suggesting new areas of control emphasis.

Agenda: Items will include a status report on venereal disease, orientation and background discussion of current program emphasis, the "Venereal Disease Communications Plan" and its implementation, current and future operational research, and new areas of program emphasis.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open/closed sessions may be obtained from the contact persons listed above.

Dated August 29, 1973.

DAVID J. SENCER,
Director,
Center for Disease Control.

[FR Doc.73-19112 Filed 9-7-73;8:45 am]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Meeting

Notice of Public Meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that a meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on September 12, 1973, beginning at 7:30 p.m., and on September 13 and 14, beginning at 9:00 a.m., at Glenwood Manor, Overland Park, Kansas.

The purpose of the meeting is to consider priorities and procedures for fiscal 1974 guidelines for the program of Support for Improvement of Postsecondary Education authorized by section 404 of the General Education Provisions Act.

The meeting shall be open to the public. Records shall be kept of all proceedings and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3139, Washington, D.C. 20202, telephone number 202-962-3704.

Signed at Washington, D.C., on September 5, 1973.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.73-19184 Filed 9-7-73;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority for the Office of Administration in the Social Security Administration (Chapter 8 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare), is hereby revised to reflect the abolishment of the two present positions of Deputy Assistant Commissioner for Administration; to reflect the establishment of the new position of Director of Human Resources, with responsibility for overall guidance and direction of all employee-oriented functional components within the Office of Administration, except the Special Staff for Labor Relations and Equal Opportunity; to reflect the abolishment of the SSA Operations Research Staff; and to reflect the present functions assigned to the components of the Office of Administration. The new Statement for the Office of Administration (OA) reads as follows:

MISSION

The Office of Administration plans and directs the management program of the Social Security Administration (SSA). It provides overall administrative leadership for the Commissioner of Social Security in coordinating program administration throughout SSA, and in planment programs, policies, and activities.

ORGANIZATION

The Office of Administration, under the supervision of the Assistant Commissioner for Administration, consists of:

1. The Assistant Commissioner for Administration
2. The Immediate Office of the Assistant Commissioner for Administration
3. Functional Components within the Office of Administration

The Assistant Commissioner for Administration.—A. The Assistant Commissioner for Administration is directly responsible to the Commissioner of Social Security and provides general supervision to each component in the Office of Administration.

B. In the event of the absence or disability of the Assistant Commissioner for Administration, or in the event of a vacancy in this position, the Deputy Assistant Commissioner for Administration acts for him.

C. In the event of the absence or disability of both the Assistant Commissioner for Administration and the Deputy Assistant Commissioner for Administration, or in the event of vacancies in both positions, a designated OA Executive acts for them.

Immediate Office of the Assistant Commissioner for Administration.—The Immediate Office of the Assistant Commissioner for Administration consists of:

1. The Assistant Commissioner for Administration.
2. The Deputy Assistant Commissioner for Administration.
3. The Executive Officer.
4. The Management Coordination and Special Projects Staff.
5. The Special Staff for Labor Relations and Equal Opportunity.

Functional Components Within the Office of Administration.—The Office of Administration consists of the following functional components, each under the immediate day-to-day supervision of a director:

1. Office of the Director, Human Resources.
2. Division of Administrative Appraisal and Planning.
3. Division of Financial Management.
4. Division of Operating Facilities.
5. Division of Systems Coordination and Planning.

FUNCTIONS

The Office of Administration is responsible for:

1. Planning, directing, and controlling SSA management programs, policies, and activities.

2. Administering SSA-wide programs in the areas of: labor relations and equal opportunity; personnel administration; training and employee career development; administrative appraisal and planning; budget and financial management; planning, analysis and coordination of all SSA systems; facilities management and other management support activities; procurement and supply management; employee communications; audit liaison and coordination; and employee health services.

3. Providing overall administrative leadership for the Commissioner of Social Security in coordinating program administration throughout SSA.

4. Representing SSA on matters of overall program administration and management with DHEW, other Federal agencies, and non-Federal organizations.

Immediate Office of the Assistant Commissioner for Administration.—A. The Assistant Commissioner for Administration:

1. Is responsible to the Commissioner of Social Security for provision of overall executive leadership in coordinating program administration throughout SSA, so as to achieve the total program mission of SSA.

2. Plans, directs and controls the management, personnel and administrative programs of SSA, in order to meet the needs of SSA program administration, goals and objectives.

B. The Deputy Assistant Commissioner for Administration assists the Assistant Commissioner for Administration in the carrying out of his responsibilities and performs such duties as the Assistant Commissioner prescribes.

C. The Executive Officer assists the Assistant Commissioner for Administration and Deputy Assistant Commissioner for Administration in the overall management of OA.

D. The Management Coordination and Special Projects Staff:

1. Serves as the personal staff to the Assistant Commissioner for Administration by aiding him in coordinating and integrating the many-faceted and interrelated activities of OA, and by providing him with advice, assistance, problem identification, and recommendations for problem resolution with respect to projects, negotiations or work areas of special interest or concern to the Assistant Commissioner.

2. Conducts or directs projects of major SSA-wide importance and significance on assignment by the Assistant Commissioner for Administration.

E. The Special Staff for Labor Relations and Equal Opportunity:

1. Assists the Assistant Commissioner for Administration in directing, coordinating, developing, and appraising the effectiveness of policies for SSA-wide programs of labor relations (LR) and equal opportunity (EO), as provided for under Executive Orders 10988, 11246, 11375 and 11491, as amended.

2. Reviews the employment posture of health insurance intermediaries under contract with SSA, for compliance with the EO requirements of Executive Order 11246.

3. Conducts liaison with DHEW, other Federal agencies and various other public or private organizations on matters concerning LR, EO and civil rights.

Functional Components Within the Office of Administration.—The functional components within the Office of Administration have the following responsibilities:

1. *Office of the Director, Human Resources.*—The Director of Human Resources is responsible for:

a. Providing direction to the development, implementation, and maintenance of a totally integrated and coordinated SSA program responsive to the needs of SSA's human resources.

b. Representing SSA in dealings with DHEW, other Federal agencies, and sources outside the Federal establishment with respect to matters concerning personnel and human resources management programs.

c. Providing executive-level line direction and supervision to the following Human Resources components:

(1) The Division of Personnel, which is responsible for:

(a) Directing the personnel management program of SSA and developing its personnel management objectives, policies, standards and procedures.

(b) Conducting and coordinating SSA's position classification, recruitment, placement, counseling, and employee relations programs; providing personnel operations services for headquarters offices; and assisting SSA components in their personnel operations, centrally and regionally.

(c) Evaluating personnel administration in SSA and recommending or taking action to correct deficiencies.

(d) Participating in administration of programs for labor relations, equal opportunity, and employee communications.

(2) The Division of Training and Career Development, which is responsible for:

(a) Directing the employee development program of SSA and developing its employee development objectives, policies, standards, and procedures.

(b) Conducting training programs throughout SSA and overseeing, coordinating, and appraising employee development activities of SSA components.

(c) Identifying, evaluating, and developing improved training methods, aids, and techniques and negotiating for use of outside facilities and specialists in meeting training needs.

(d) Administering and coordinating the SSA Center for Continuing Education; the SSA Career and Educational Guidance Program; and the SSA Upward Mobility College.

(3) The SSA Employee Communications Staff, which is responsible for:

(a) Directing the management-employee communications program of SSA; identifying weaknesses in management-employee communications and recommending improvements; providing advice and consultation on management communications with employees; and providing assistance to and appraising management-employee communications activities in the field.

(b) Publishing a variety of informational materials, including a monthly employee magazine, a semi-monthly management newsletter, and a weekly central office bulletin; and preparing and editing administrative reports and presentations.

(4) The SSA Employee Health Service, which is responsible for:

(a) Directing the preventive health program for SSA and promoting the health, efficiency, and productive longevity of its employees, through administering mass screening programs, offering individual services, and conducting physical examination programs.

(b) Treating all types of medical emergencies in work situations, arranging other Governmental and private medical or surgical services, and providing referrals to appropriate private and community resources.

(c) Establishing and enforcing standards of employee health and comfort through a broad environmental health program, and conducting a continuing health education program.

2. The Division of Administrative Appraisal and Planning, which is responsible for:

a. Directing the appraisal of total SSA administration, planning for efficient SSA organization and operations, and developing major operating and administrative goals and measures of effectiveness for SSA program administration.

b. Identifying current and emerging administrative problems, recommending remedial actions, and continually appraising organizational effectiveness.

c. Appraising the need for and promulgating delegations of program and administrative authority throughout SSA.

d. Conducting, coordinating, and integrating long-range operational, organizational, and administrative planning; providing leadership in administrative planning for pending legislation; and developing consistent and progressive administrative policy and philosophy.

e. Representing SSA in dealings with DHEW Audit Agency and GAO site audit teams.

f. Investigating alleged program and criminal violations, employee misconduct, and other irregularities.

g. Conducting an SSA historical research program and directing SSA emergency preparedness activities.

h. Representing SSA in dealings with DHEW, other Federal agencies, and various other public or private organizations on matters of concern to the administration of SSA programs and the fulfillment of the Division's mission.

3. The Division of Financial Management, which is responsible for:

a. Directing the financial management program of SSA; developing its financial management objectives, policies, standards, and procedures; and providing financial advice on program matters and initiating cost studies.

b. Planning, preparing, justifying, and executing the SSA budget and preparing and justifying budget estimates to finance program and other legislative changes.

c. Conducting continuing evaluation of expenditures of funds, taking actions to improve fiscal effectiveness; conducting continuing evaluation of financial systems and implementing improvements; and insuring that financial systems are integrated within SSA and with DHEW.

d. Maintaining administrative accounts, certain trust fund expenditure and receipt accounts; auditing and certifying of vouchers for administrative expenses; and preparing basic and required financial reports.

e. Representing SSA in financial management dealings with DHEW, other Federal agencies and various other public or private organizations.

4. The Division of Operating Facilities, which is responsible for:

a. Directing the management support program of SSA and developing its management support objectives, policies, standards, and procedures.

b. Directing SSA activities in the areas of: the SSA library and related services; centralized headquarters secretarial, dictation, transportation and parking services; construction or leasing of buildings; space utilization; forms and records management; printing and graphics; real and personal property management; procurement; supply and mail systems; employee safety; civil defense; and physical security.

c. Providing SSA liaison with the General Services Administration on matters related to the maintenance and servicing of headquarters facilities, and with DHEW, other Federal agencies and various other public or private organizations on matters related to the Division's mission.

5. The Division of Systems Coordination and Planning, which is responsible for:

a. Providing SSA-wide leadership and direction for systems planning and coordination, and developing, maintaining, and improving its total data processing system and plans.

b. Establishing systems policies and standards; planning overall specifications for SSA systems; and reviewing and evaluating proposed systems and equipment changes for conformance with longer range SSA systems planning goals and integration with existing SSA systems.

c. Representing SSA in dealings with DHEW, other Federal agencies, and various other public or private organizations on systems coordination, planning and policy matters.

Dated August 31, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-19158 Filed 9-7-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet Thursday and Friday, September 13-14, 1973, Thursday, September 13th, the Committee will meet from 9 a.m. to 5 p.m. in Room 5131, HEW—North Building, 330 Independence Ave. SW., Washington, D.C. Friday, September 14th, the Committee will meet from 10 a.m. to 12:00 noon in the Snow Room, 5th Floor, HEW—North Building, and from 1 p.m. to 4 p.m. in Room 5131, HEW—North Building. The Committee will discuss their agenda for the coming year. Friday morning the Committee will present its first annual report to the Secretary. This meeting is open to the public.

Dated September 4, 1973.

KAREN KEESLING,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.73-19157 Filed 9-7-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

IOWA'S PROPOSED ACTION PLAN

Notice of Availability

The Iowa State Highway Commission has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe, and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Iowa State Highway Commission
   Library
   826 Lincoln Way
   Ames, Iowa 50010
2. Federal Highway Administration
   Iowa Division
   P.O. Box 627
   Ames, Iowa 50010
3. Federal Highway Administration
   Region 7 Office
   P.O. Box 7186—Country Club Station
   Kansas City, Missouri 64113
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street SW.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before October 4, 1973.

Issued on August 31, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-19129 Filed 9-7-73;8:45 am]

Office of the Secretary

CITIZENS ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

Notice of Open Meeting

The Citizens' Advisory Committee on Transportation Quality of the Department of Transportation announces its regular meeting on Monday and Tuesday, September 17 and 18, 1973. Below is an agenda telling about the purpose and content of the meeting.

The Citizens' Advisory Committee on Transportation Quality is made up of 21 citizens from various parts of the United States who represent, as far as possible a cross-section of the Nation's citizenry. The functions of the Committee are solely advisory. Its recommendations result from the Committee's independent judgement.

The Office of Consumer Affairs, which provides staff services for the Citizens' Committee, requests that if any members of the general public are planning to attend those sessions indicated below that are open to the public, they should call in advance so that seating arrangements can be provided and so that they can be informed of any subsequent changes in arrangements. Call 202/426-4520 and ask for Mr. Kent R. Larrabee, Executive Director.

AGENDA

CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY, SEPTEMBER 17–18, 1973—KI SUH PARK, CHAIRMAN

The meeting will convene at the Management Information Center at the Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Room 10214 (10th floor—south side of the building).

9:30—Welcome—Benjamin O. Davis, Jr., Assistant Secretary for Environment, Safety, and Consumer Affairs.

Overview of DOT.—"This is the Department of Transportation"—a 12-minute slide presentation.

10:10—Discussion of the morning.

A Balanced National Transportation System.—What is it? What issues are involved? How can it be achieved?

Discussion.—General discussion of issues presented, of suggestions and exploration of possible recommendations to the Secretary.

12:30—Lunch.

Informal remarks by Honorable Claude S. Brinegar, Secretary of Transportation. (This session is closed to the public.)

2:00—Room 10214

The Highway Act of 1973—how will it be implemented? Features of the 1973 Act which are of particular interest to citizens, consumers and community groups. Committee discussion and interaction with staff.

3:45—*The growing edge of highway safety programs.*—How can this Committee assist the personal involvement of the citizenry in the cause of traffic safety? What future programs for the saving of human lives make sense but need greater citizen support? What recommendations should the Committee consider?

4:15—Committee discussion and interaction with staff.

4:45—Adjournment.

Tuesday morning, September 18, 1973. Committee will meet at the Federal Aviation Administration Building, 800 Independence Avenue, SW. Come to Conference Rooms B and C on the 6th floor.

9:30—*An orientation to the Federal Aviation Administration.*—Includes a slide presentation telling about the FAA.

10:15—*Some needs and problems within aviation today.*—Focus will be on those needs and problems that are related to consumer, citizen and community interests. Questions and interaction with the speaker.

11:00—Committee business meeting. (This session is closed to the public).

2:30—Adjournment.

This notice is given pursuant to section 10, Federal Advisory Committee Act (Public Law 92–463) and Executive Order 11686 (37 FR 21421).

Issued in Washington, D.C., on September 4, 1973.

BENJAMIN O. DAVIS, Jr.,
Assistant Secretary for Environment, Safety and Consumer Affairs.

[FR Doc.73–19117 Filed 9–7–73;8:45 am]

ADVISORY COMMITTEE ON FEDERAL PAY

PROPOSED FEDERAL PAY ADJUSTMENT

Notice of Meeting

The Advisory Committee on Federal Pay announces a meeting with representatives of the President's Pay Agent to discuss the proposed adjustment in Federal pay for Fiscal 1974, to be held at 9:30 a.m., September 11 in Room 101, 1016 16th Street, NW., Washington, D.C.

JEROME M. ROSOW,
Chairman,
Advisory Committee on Federal Pay.

[FR Doc.73–19298 Filed 9–7–73;10:15 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–348A, 50–364A]

ALABAMA POWER CO.

Prehearing Conference and Discovery Incidents

In the Matter of Alabama Power Company (Joseph M. Farley Nuclear Plant Units 1 and 2).

A Prehearing Conference will be held Monday, September 24, 1973, at 10:30 a.m. at the U.S. Tax Court, Room 2132, 1111 Constitution Avenue, NW., Washington, D.C.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Washington, D.C., this 4th day of September 1973.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73–19123 Filed 9–7–73;8:45 am]

[Docket No. 50–366A]

GEORGIA POWER CO.

Prehearing Conference and Discovery Incidents

In the Matter of Georgia Power Company (Hatch Nuclear Plant unit 2).

A Prehearing Conference will be held Thursday, September 20, 1973, at 9 a.m., at the U.S. Tax Court, Room 2132, 1111 Constitution Avenue NW., Washington, D.C.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Washington, D.C., this 4th day of September 1973.

WALTER W. K BENNETT,
Chairman.

[FR Doc.73–19124 Filed 9–7–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25663; Order 73–9–2]

COMPAGNIE NATIONALE AIR FRANCE ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of August 1973.

Seaboard World Airways, Inc. (Seaboard), on June 29, 1973, filed a complaint with the Board requesting suspension and investigation of cargo charter tariffs filed by Compagnie Nationale Air France (Air France), Lufthansa German Airlines (Lufthansa), Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA) for multiple routings from New York to Frankfurt and Paris.[1]

In its complaint, Seaboard alleges that the charter rates are unjust, unreasonable, and unjustly discriminatory and unduly prefer one shipper (I.B.M. World Trade Corporation), and should be suspended and investigated. Seaboard asserts that the rates are substantially below cost and represent unjustified discounts from existing cargo charter rates which are widely acknowledged to be uneconomic; that the special and unusual routing effectively limits their use to only one shipper and, therefore, they are unjustly discriminatory and unduly preferential; and that the rates are the product of coercive competitive bidding by IBM for varying numbers of cargo charters and constitute unlawful multicharter rates.[2]

In support of its allegations that the rates in question are uneconomic and below cost and in reply to the answers of the carriers,[3] Seaboard contrasts the derived rates per mile, ranging from $3.02 to $3.45, with Pan American's and TWA's fiscal year 1973 scheduled transatlantic freighter operating costs estimated respectively at $4.99 and $4.05 per plane mile.[4] Additionally, Seaboard contrasts these derived rates per mile with the applicable $3.60 to $4.25 general rate per mile for cargo charters of the subject carriers which Seaboard asserts are widely known to be uneconomic and have become even more uneconomic since the recent dollar devaluation. Seaboard points out that Lufthansa's claims that the Board has no jurisdiction in this matter under terms of the U.S.-Germany bilateral air agreement are not relevant since procedures of the bilateral do not govern charter rates. The carrier further maintains that Lufthansa is using direct mileages between New York on the one hand and Frankfurt and Paris on the other in computing per-mile rates and not the actual New York-Paris-Frankfurt and New York-Frankfurt-Paris mileages as its tariff routing requires.

Seaboard also maintains that the spreads between TWA's scheduled per-mile cargo costs of $4.05 and its per-mile charter rates and similarly those

[1] Appendix A which is filed as part of the original document sets forth a synopsis and analysis of the tariffs.

[2] IBM has filed a letter in Docket 25663 in which it defends its bidding practices for transatlantic cargo service. In general it maintains that all bidding carriers must comply with "all tariff, C.A.B., IATA, local, state, and federal requirements."

[3] On July 17, 1973, Seaboard filed a motion for leave to file a reply which will be received.

[4] In arriving at these estimated costs Seaboard has relied upon data submitted by the carriers as justification in Docket 23333 and Board figures published in Order 72–6–137 dated June 29, 1972. The carriers in responses to the instant complaint do not dispute the dollar levels of these estimated costs.

between Pan American's per-mile costs and charter rates are vastly greater than can possibly be offset by planeload operation economics; that TWA offers no actual cost figures for its cargo charter operations, and claiming that incremental costing theories are justification for these rates does not overcome this lack of cost figures. Finally, Seaboard states that at the recent IATA Cargo Conference in Geneva the four carriers agreed that $4.25 is the minimum level for operation of compensatory cargo charter service.

Air France, Lufthansa, Pan American, and TWA have all filed responses requesting Seaboard's complaint be dismissed. In general the respondents assert that Seaboard's allegations of discriminatory and preferential treatment are untenable inasmuch as the tariffs in question are open to all shippers; that the routings are not so unusual as to preclude use by any interested shipper; and that in offering these rates they will be able to utilize otherwise idle personnel and equipment thus contributing to revenues. Air France further asserts that the questioned rates are justified since any weekend rates established at higher levels would not enable Air France to attract the traffic.

Additionally, Lufthansa moves that Seaboard's complaint be dismissed on technical grounds since the procedures for rate suspension as set forth in the U.S.-Germany bilateral treaty were not followed in this case and, therefore, the Board has no jurisdiction to suspend these rates. In the alternative, Lufthansa answers the complaint on its merits maintaining Seaboard has presented no real evidence to show that the challenged rates are below cost or uneconomic; that Seaboard's charter-rate-per-mile computations in its complaint are predicated on erroneous mileage and should be 6 cents and 24 cents higher than Seaboard's figures of $3.39 and $3.21, respectively; that the El Al charter rate cited by Seaboard and recently suspended by the Board was substantially lower than Lufthansa's rates; [5] that there is no implication in the tariffs that the rates are "multiple-flight" rates; and that apparently Seaboard's complaint is based upon unwillingness to meet competition which is insufficent reason to suspend the challenged rates.

Pan American asserts that its proposed charter rate is based on $3.60 per mile, and easily justified in that the carrier expects to have spare time on a B-707 freighter; that the $3.60 per-mile rate is further justified since the carrier will save indirect costs (such as promotion and advertising) while obtaining additional revenues; and that some of the charges in question have been effective since early May 1973 at rates as low as $3.10 [6] per mile which the Board has not seen fit to suspend and, therefore, Board suspension of Pan American's rates would be inconsistent and unjustified. In response to a Seaboard challenge of its reference to a $3.60 basic per-mile rate instead of the actual $3.27 per-mile rate derived from its tariff filing, Pan American [7] notes that the difference results from a $1,300 containerization allowance applied to the $3.60 rate.[8] Further, the carrier points out that Seaboard allows an $1,800 containerization discount on its 30,000-kilogram shipment rate.

Finally, TWA moves the complaint be dismissed as untimely since Seaboard has failed to catalogue compelling reasons for not having requested suspension within the 25-day period before the effective date as required; that Seaboard has totally discounted established economic advantages of cargo charters in its comparison of the challenged rates with the forecast scheduled per-mile transatlantic freighter costs of $4.99 and $4.05 for Pan American and TWA, respectively. The carrier, moreover, contends these rates are economically justified since they are restricted to weekends; that use of the questioned rates is not conditioned upon use of a minimum number of flights; that TWA's response to IBM's competitive solicitations does not necessarily make such rates discriminatory; and that the practice of tailoring a rate to meet the shipper's needs and purposes is similar to the established practice of introducing specific commodity rates designed to afford a particular shipper opportunity to use air transportation.

Upon consideration of the tariffs, complaint and responses, the Board finds that the charter rates at issue may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial and should be suspended pending investigation. We are not persuaded by the various arguments advanced that the complaint be dismissed on technical or jurisdictional grounds. The procedures set forth in the U.S.-Germany bilateral air agreement apply only to scheduled services, not to charter services. Therefore, the procedures set therein do not apply to the issue at hand. Similarly, we are not persuaded by TWA's arguments that the complaint be dismissed as untimely since it is our understanding that Seaboard delayed filing its complaint only until all subject tariffs were filed in order to file a consolidated complaint.

Turning to the level of the rates, the carriers would justify the level in terms of weekend off-peak aircraft usage, increased utilization, or aircraft positioning.[9] No attempt is made to show that the rates would cover fully-allocated costs for the eastbound charters, or for a round trip involving these rates in the eastbound direction, nor does it appear that such a showing could be made. As adverted to above, Pan American's and TWA's scheduled cargo costs in fiscal 1973 are estimated to be $4.99 and $4.05 per mile, respectively. While scheduled cargo costs may not be determinative of the minimum rates permissible for cargo charter service, the differential between the charter cargo rates and the scheduled cargo costs of the U.S. carriers is significant.

Moreover, it would appear that costs are higher for multiple-stop charter operations than for normal point-to-point operations since additional expenses for items such as landing fees, fuel, and labor are incurred. Current general charter tariffs on file show a $550 stopover charge for TWA and a $1,000 accessorial charge (for loading and/or unloading cargo at specified additional points of landing at the charterer's request) for Air France and Lufthansa in addition to per-mile charges ranging from $3.60 to $4.25. Since the rates in question range from $3.02 to $3.45 per plane mile, and with one exception involve multiple stops, we conclude in the absence of any detailed cost information by the four carriers that the questioned rates are not cost supported. A further economic question is presented by the situation in which a carrier charges a lesser total price for a greater distance flown. Air France's tariffs show a charter price of $13,500 for a New York-Paris-Frankfurt [10] routing of 3,917 miles, and a charter price of $12,500 for a New York-Frankfurt-Paris routing of 4,140 miles, $1,000 less for 223 more miles.

Finally, we note that the same carriers proposing charter charges at these low levels for B-707 equipment are among the carriers who indicated at the recent IATA North Atlantic Cargo Conference in Geneva that a four dollar per plane-mile rate for DC-8-55 and B-707 equipment (plus a six percent currency surcharge from U.S. points) is the minimum point-to-point cargo charter rate [11] on a fully compensatory basis.

The Board has considered carefully the carriers' contentions that these rates are justified on the basis of aircraft positioning, spare time use of aircraft for

---

[5] Order 73-6-100, dated June 12, 1973.

[6] Filed by TWA effective June 21, 1973, and included by Seaboard in the instant complaint.

[7] On July 18, 1973, Pan American filed a motion for leave to file a reply to Seaboard which will be received.

[8] Pan American's original tariff filing omitted a containerization requirement although its tariff justification assumed the traffic would be containerized. Its tariff was amended to require containerization subsequent to the filing of the Seaboard complaint.

[9] We find this justification puzzling in the case of Pan American since the carrier recently has made application for exemption to carry military traffic on scheduled services at MAC charter rates pleading difficulties arising from tight aircraft and crew scheduling during peak July and August months.

[10] The tariff actually reads "Via a point in France," but for mileage computation purposes it is assumed to be Paris since this is Air France's home base.

[11] Further, we note that under the minimum cargo charter rates package currently contemplated by IATA and subject to Board approval, the subject rates would be disallowed after October 1, 1973.

weekends or off-peak usage, and alleged increased aircraft utilization. We cannot find that such considerations here justify rates which appear to be *prima facie* uneconomic. Basically the Board considers that cargo charter rates should be geared to fully-allocated costs.[12] It is recognized that the Board on occasion has found lawful charter rates which (1) upon their own or in conjunction with the rate applicable in the opposite direction make a contribution to profits, and (2) do not have an adverse impact upon other carriers in the market.[13] However, we cannot make findings to this effect under the circumstances here present. In *Directional Charter Rates, supra*, the Board found a unique situation to justify low charter rates, including a pronounced directionality of traffic in the Pacific due to the heavy volume of MAC traffic moving westbound, and an opportunity for eastbound charters from Hawaii to California to move papaya, a highly perishable tropical fruit which would not move by air at high rates. This is to be contrasted with the present situation where there is no marked directionality in the markets involved.[14] Further from all the matters before us it appears that a high volume of traffic is expected to move under the tariffs in question [15] consisting generally of a commodity which typically moves by air at higher rates than here under consideration and is of a relatively high value with a corresponding high value of service for the transportation involved.

We have noted the contentions before us that the routings and competitive bidding procedures employed prior to the filings of the tariffs resulted in unlawful tariffs. Without passing upon such contentions at this time, these allegations will constitute an issue in the proceeding.

In sum, the volume of traffic involved, its nature and susceptibility to movement by air at higher rates, the marked absence of pronounced directionality in the markets and the bidding procedures employed combine to convince us that the charter rates in issue do not come within the limited situation found to exist in *Directional Charter Rates* and should not be permitted to continue in effect pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions on the tariff pages in Appendix B and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions or rules, regulations, or practices;

2. Pending hearing and decisions by the Board, the rates and provisions on the tariff pages in Appendix B are suspended and their use deferred to and including September 4, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

3. This order shal be submitted to the President [16] and shall become effective September 4, 1973.

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

5. Copies of this order be served upon Seaboard World Airways, Inc., Compagnie Nationale Air France, Lufthansa German Airlines, Pan American World Airways, Inc., and Trans World Airlines, Inc. which are hereby made parties to this proceeding; and

6. Motions by Seaboard and Pan American for leave to file replies are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[17]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-19163 Filed 9-7-73;8:45 am]

[Docket No. 25577; Order 73-8-153]

EASTERN AIR LINES, INC. AND SEABOARD WORLD AIRLINES, INC.

Order To Show Cause and Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1973.

On May 30, 1973, Eastern Air Lines and Seaboard World Airlines filed a joint application requesting approval of an equipment interchange agreement which would permit through-plane air transportation on all cargo aircraft of property and mail between Houston, Texas, and New Orleans, Louisiana, on the one hand, and London, England, on the other hand, over the junction point of New York, New York.

Petitions for leave to intervene have been filed by Delta Air Lines, National Airlines, the City and Chamber of Commerce of Houston, Texas, Airlift International, TWA, Pan American, and the City and Chamber of Commerce of New Orleans, Louisiana.[1] In addition, Delta has filed a request for a hearing on the joint application and the New Orleans parties have filed a motion for expeditious treatment. An answer in opposition to the motion of the New Orleans parties was filed by National.

Upon consideration of the pleadings and all of the relevant facts, the Board has decided to set this matter for hearing in accordance with the request of Delta. However, the Board is of the tentative view that, pending final decision upon the application following the hearing provided for herein, the public interest requires interim approval of the Agreement under sections 408 and 412 of the Act, in order to permit the parties to promptly inaugurate the all-cargo interchange services contemplated by the Agreement. The Board will, therefore, direct all interested parties to show cause, within 20 days of the service date of this order, why the tentative findings and conclusions contained herein should not be made final, and why such interim approval should not be granted. Replies to answers so filed may be filed by any interested person within 10 days following Board receipt of such answers.

For purposes of considering whether such interim approval should be granted, the Board will direct all responding parties to set forth with specificity the reasons why such approval should or should not be granted. There should be included as part of any answers or replies such evidence as is relied upon or deemed appropriate, supported by affidavits, and setting forth data in sufficient detail that without further clarification final results may be obtained from the basic data.[2]

While the Board is currently following a policy of caution in setting down route cases which could result in introducing new competition in markets where it might have an adverse effect on the overall health of the air transportation industry, the present application contemplates the award of no new operating authority. Rather, it is an attempt by the two carriers to improve their financial results by operating through services pursuant to the existing authority of each. By providing a new through single-plane all-cargo service pursuant to the interchange arrangement, significant public benefits can be achieved in a manner which will minimize potential diver-

---

[12] See Cargo Charter Charges Established by Universal Airlines, Inc., Order 72-2-30, dated February 9, 1972.

[13] *Directional Charter Rates*, 40 C.A.B. 752, 755 (1964).

[14] A comparison of North Atlantic eastbound versus westbound traffic for the 12 months ending May 1973 indicates eastbound scheduled and charter cargo traffic is 96.5% of the westbound traffic. (Source *IATA (Monthly) Summary of North Atlantic Revenue Cargo and Mail*).

[15] IBM has submitted a letter in connection with the complaint enclosing material indicating as many as 260 flights are contemplated over a one-year period.

[16] This order was submitted to the President on August 24, 1973.

[17] Appendix A and B filed as part of original document.

[1] Since each petitioner has demonstrated a substantial interest in the subject matter of this proceeding the petitions will be granted.

[2] The parties should provide, in the form of footnotes or otherwise, the sources of any data included and the basis and methodology used in constructing the evidentiary material. Estimates, such as growth rates, which contain elements of judgment, should be clearly identified and the basis thereof explained in detail, and the supporting affidavit should affirm that such judgment is the best judgment of the proponent.

sion from other carriers operating all or part of competitive routes.[3]

At present there exists no through single-plane all-cargo service between New Orleans and Houston on the one hand, and London on the other.[4] It is patent that a through single-plane all cargo service offers public service benefits which are not available from alternative combination through services, or even connecting service in part on all-cargo aircraft. Thus, the scheduling of all-cargo flights will be determined solely on the basis of the peculiar requirements for air cargo shipments. Moreover, significant cost and time savings can achieved in avoiding the loading and unloading process inherent in a transshipment service. Since the provision of such through all-cargo service is in major part under the authorization of a carrier holding license authority limited solely to the provision of all-cargo service, it may be anticipated that primary attention will be devoted to the peculiar needs of cargo shipments.

We recognize that in the past the Board has customarily held evidentiary hearings before determining whether to approve or disapprove interchange agreements under sections 408 and 412 of the Act. See, e.g., Capital-National Equipment Interchange, 10 C.A.B. 231 (1949). *C.f.*, Eastern-American Agreement, 34 C.A.B. 828 (1961). However, the New Orleans parties have urged that the present application be granted expeditious treatment, and the applicants have contemplated possible inauguration of service by September 15, 1973. It appears, for the reasons set forth above, that prompt implementation of the service will indeed provide a significant contribution to the facilitation of the international trade of the cities of New Orleans and Houston, as well as of the United States.

In view of the foregoing, the Board has tentatively concluded that the public interest in prompt inauguration of the proposed services outweighs any apparent detriment that may be incurred as a result of contemplated diversion from alternative international cargo services for the period pending final decision on this application after hearing. Therefore, the Board has further tentatively concluded that the public interest requires such interim approval. The parties should be advised, however, that our proposed interim approval herein should not be construed as any prejudgment of the issues to be considered at the evidentiary hearings.

Our tentative conclusions as to the public interest in granting interim approval, under the circumstances of this case, draw attention to a basic question of procedure in the Board's approval of interchange agreements which the parties hereto, and other interested persons, may wish to consider in submitting comments pursuant to this Order. The Board has tenatively reached the conclusion that on many occasions no major regulatory purpose is served by requiring protracted full-blown evidentiary hearing procedures in connection with approval of interchange agreements. Under section 412 of the Act the Board has been given authority to approve intercarrier agreements involving cooperative working arrangements similar in nature to interchange agreements, without the necessity for a hearing. In section 412 proceedings, the Board, in determining whether an interchange agreement would be adverse to the public interest, would fully consider the central issues of such an interchange arrangement, namely whether the public benefits arising from the provision of a new through service, not involving the grant of additional route authority to any carrier, outweigh any detriments that might arise from the provision of such services in terms of diversion from the services of other carriers operating competing alternative services. Since the Board has considered that interchange agreements require further approval under section 408 of the Act with respect to the control and property lease aspects of the arrangement, it has habitually required an evidentiary hearing at which both section 408 and section 412 issues are litigated. It appears, nevertheless, that the section 408 issues involved in interchange agreements are not so complex that full protection of the parties' interests could not be achieved by shortened hearing procedures; or in appropriate cases, the time consuming hearing procedures might be dispensed with. The prompt implementation of the public service benefits arising from interchange arrangements found neither adverse to nor inconsistent with the public interest, would constitute a significant public interest factor in adopting such shortened procedures.

The Board is therefore considering the adoption by rule making, or otherwise, of procedures which would allow interchange agreements to be processed expeditiously with either compressed documentary presentations,[5] or wholly without hearing. In order not to delay the implementation of the instant interchange agreement, pending consideration and adoption of such revised procedures, the Board has concluded that it will follow the normal hearing procedures in this case, subject to interim *pendente lite* approval of the arrangement. In this respect our consideration of a changed procedural policy will be prospective only. However, the Board takes this occasion to invite the parties hereto, any other interested elements of the aviation industry, and interested government agencies, to submit comments in response to this order, bearing upon the public interest and legal considerations involved in the adoption of such shortened procedures.

Accordingly, it is ordered, That:

1. The joint application of Eastern Air Lines, Inc., and Seaboard World Airlines, Inc., for approval of an equipment interchange agreement, be and it hereby is set for hearing before an Administrative Law Judge of the Board, at a time and place to be hereafter designated.

2. The Petitions to Intervene in this proceeding filed by Delta Air Lines, Inc.; National Airlines, Inc.; the City and Chamber of Commerce of Houston, Texas; Airlift International, Inc.; Trans World Airlines, Inc.; Pan American World Airways, Inc.; and the City and Chamber of Commerce of New Orleans, Louisiana, be and they are hereby granted.

3. The joint applicants, all other parties herein, and any other interested person, be and they hereby are directed to show cause, within 20 days from the date of this Order, why the Board should not make final the tentative findings and conclusions herein, and why the Board should not issue an order temporarily approving the proposed interchange agreement pursuant to sections 408 and 412 of the Act, pending final Board decision on the application following the hearing provided for herein.

4. Answers filed pursuant to paragraph 3 shall be served upon the persons listed in paragraph 7; shall set forth with specificity the reasons why such interim approval should or should not be granted; and shall be accompanied by such supporting evidence and affidavits, in the manner described herein, as are relied upon or deemed appropriate.

5. Within 10 days after the date of filing of the answers referred to in paragraph 4, any interested person may serve and file a reply to one or more of such answers, directed solely to matters raised by such answers, and shall affix to such reply evidence and affidavits as set forth above.

6. The request of Delta Air Lines, Inc. for a hearing, and the motion of the New Orleans parties for expeditious treatment, be and they hereby are granted to the extent provided for herein, and are otherwise denied.

7. A copy of this Order shall be served upon Eastern Air Lines, Inc.; Seaboard World Airlines, Inc.; Delta Air Lines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; Airlift International, Inc.; National Airlines, Inc.; the Cities of Houston, Texas, and New Orleans, Louisiana; the Houston, Texas and New Orleans, Louisiana, Chambers of Commerce; the Departments of Transportation, Justice, Defense, and Commerce; the Postmaster General; and the Federal Aviation Administration.

---

[3] Obviously the Agreement has competitive implications and would, if approved, result in some diversion from other carriers. We will carefully consider the implications of such diversion, even on a temporary basis, in our consideration of whether, in light of the answers and replies filed pursuant to this Order, interim approval should in fact be granted.

[4] While the Pan American and Delta interchange provides combination services between New Orleans and London, the Board specifically declined to authorize all-cargo interchange services pursuant to that Agreement since no such service had been proposed by the parties at the time the interchange agreement was approved. (See, Order E-20806, May 12, 1964.)

[5] See Southern Airways, Inc., Service to Crossville, Tennessee, Order 73-6-45.

8. Copies of this Order shall also be served upon all other certificated U.S. direct air carriers, and all authorized U.S. air freight forwarders.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-19161 Filed 9-7-73;8:45 am]

[Docket No. 24488; Order 73-8-137]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fare Matters

Issued under delegated authority August 28, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would defer the deadline for a special meeting of TC1 from June 30, 1973, to October 31, 1973, to discuss the continued effectiveness of the (1) TC1 Advance Purchase Travel Group Fares (USA-Mexico); and (2) TC1 Group Inclusive Tour Fare (Canada-Mexico).

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement C.A.B. 23888, R-1 and R-2, are adverse to the public interest or in violation of the Act:

100(Mail 928)075u
100(Mail 928)084tt

Accordingly, *It is Ordered*, That:

Agreement C.A.B. 23888, R-1 and R-2, be and hereby is approved.

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

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

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-19162 Filed 9-7-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland State Advisory Committee will convene at 8:00 p.m. on September 13, 1973, in Room G-20, Social Security Administration Building, 6401 Security Boulevard, Woodlawn, Maryland 21235.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, in Room 510, 2120 L Street Northwest, Washington, D.C. 20425.

The purpose of this meeting shall be to discuss a proposed Baltimore County Education Study and an Indian Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 5, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-19142 Filed 9-7-73;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire State Advisory Committee will convene at 7:30 P.M. on September 12, 1973, at the New Hampshire Highway Motel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to determine the status of the New Hampshire Corrections System Project and discuss further plans for proceeding with the study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 4, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-19141 Filed 9-7-73;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio State Advisory Committee will convene at 10:00 A.M. on September 15, 1973, at the Cleveland Sheraton Hotel, 219 Superior Avenue, Cleveland, Ohio 44101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to discuss plans to develop a report and design followup activities to the recent factfinding meeting on Ohio Prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 5, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-19144 Filed 9-7-73;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island State Advisory Committee will convene at 4:30 p.m. on September 13, 1973, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02903.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to formulate plans for a factfinding meeting on the Rhode Island State Advisory Committee's proposed Public Employment Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 5, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-19143 Filed 9-7-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 6, 1973.

On November 3, 1971, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding In-

ternational Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Haiti concerning exports of cotton textiles and cotton textile products from Haiti to the United States over a five-year period beginning on October 1, 1971, and extending through September 30, 1976. Among the provisions of the agreement are those establishing a consultation level of 367,500 square yards equivalent for cotton textile products in each category not having a specific limit in Categories 39 through 63 for the second agreement year which began on October 1, 1972. Imports of cotton textile products in Category 63 from Haiti have exceeded the consultation level for the second agreement year.

Accordingly, there is published below a letter of September 6, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that upon publication of that letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Haiti and exported therefrom to the United States during the period beginning October 1, 1972 and extending through September 30, 1973, be prohibited.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 6, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 3, 1971, between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective upon publication of this letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Haiti and which have been exported to the United States during the period beginning October 1, 1972, and extending through September 30, 1973.

Cotton Textile products in Category 63, produced or manufactured in Haiti, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton textiles and cotton textile products from Haiti 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,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-19289 Filed 9-7-73;9:30 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Addition

Notice of proposed addition to the Initial Procurement List, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26628).

Pursuant to the above notice the following commodity is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

CLASS 6230	Price
Light, Marker, Distress (RF) 6230-067-5209	Ea. $10.72

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-19260 Filed 9-7-73;8:45 am]

PROCUREMENT LIST 1973

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities and services to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITIES

CLASS 7340

Spoon, Plastic, Single Pack
7340-J19-1300

CLASS 8105

Bag, Cloth, Lunch
8105-664-3715

SERVICES

INDUSTRIAL CLASS 0782

Grounds Maintenance
Goddard Space Flight Center—NASA
Greenbelt, Maryland

INDUSTRIAL CLASS 7641

Furniture Rehabilitation
Houston, Texas plus 25 mile radius

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-19252 Filed 9-7-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements

Environment impact statements received by the Council on Environment Quality from August 27 through August 31, 1973.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

White Pine Planning Unit, Clearwater National Forest, Latah and Benewah Counties, Idaho, August 16: The statement refers to the proposed implementation of a multiple use plan for the 16,750 acre White Pine Planning Unit of the Clearwater National Forest. The Unit is broken into seven areas which will be managed for such values as timber, browse production, and recreation. Adverse impact will include soil disturbance and possible stream siltation (73 pages). (ELR Order No. 31361.) (NTIS Order No. EIS 73 1361-D.)

Final

Burnt Fork Planning Unit, Bitterroot National Forest, Ravalli County, Mont., August 28: The statement refers to a revised Multiple Use Plan for the Burnt Fork Planning Unit of the Bitterroot National Forest. Approximately 20,905 acres of the unit would continue to be roadless, and would be managed with an emphasis on back-country values. The remaining 28,265 acres would be open for development options and more intensive managing practices, for such values as timber, mineral, watershed, wildlife, esthetics, and recreation; 19,353 acres of previously unroaded land will be developed with roads. There will be adverse impacts upon air, soil, and water quality, and wildlife habitat (143 pages). Comments made by: USDA, EPA, and concerned citizens. (ELR Order No. 31415.) (NTIS Order No. EIS 73 1415-F.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Transmission Line, Ryceville to Lexington Park, St. Marys and Charles Counties, Md., August 28: The statement refers to the proposed lending of funds to Southern Maryland Electric Cooperative, Inc., for the construction of 22.3 miles of 230 kV transmission line from Ryceville to Lexington Park, a tap

switching station, and a step-down substation. There will be some construction disruption and visual impact (110 pages). (ELR Order No. 31417.) (NTIS Order No. EIS 73 1417-D.)

SOIL CONSERVATION SERVICE

Final

Spring Brook Watershed, Langlade and Marathon Counties, Wis., August 28: The statement considers the implementation of flood control measures on the watershed, including conservation land treatment. Structural features of the project would consist of one new flood control structure and one to replace the Antigo Lake outlet, and a 3 feet high, 1,340-feet long dike. Also included would be the clearing and snagging of 10,340 feet of Spring Brook. The project will require approximately 138 acres of agricultural land; an additional 448 acres will be occasionally flooded (63 pages). Comments made by: USDA, COE, HEW, DOI, EPA, State and regional agencies. (ELR Order No. 31416.) (NTIS Order No. EIS 73 1416-F.)

Pocatalico River Basin, several counties in West Virginia, August 29: The statement refers to a project which would involve the use of land treatment measures on 2,400 acres and the construction of 2 multipurpose dams (for water supply, flood control, sediment prevention, and low-flow augmentation). Approximately 11.5 miles of stream and 440 acres of land will be inundated; 40 residences would be displaced (65 pages). Comments made by: ARC, DOC, EPA, HEW, HUD, DOI, DOT, State, and regional agencies. (ELR Order No. 31420.) (NTIS Order No. EIS 73 1420-F.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welsh, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-OX 7-9297.

Draft

U.S. Air Force Space Launch Vehicles, California and Florida, August 30: The statement refers to the environmental impact of the Titan III, Atlas, and Scout family of space launch vehicles. The vehicles were developed and/or are being operated under the direction of the Space and Missile Systems Organization. The major activity covered by the statement is the launch, which is concentrated in, but not restricted to, California and Florida. The major environmental impact is that of short-term, nonpersistent air pollution (116 pages). (ELR Order No. 31431) (NTIS Order No. EIS 73 1431-D.)

Accounting and Finance Center, Lowry Air Force Base, Colo., August 29: The statement refers to the proposed construction of a 601,375 sq. ft. building at Lowry Air Force Base, and the relocation of the Air Force Accounting and Finance Center from its present location at 3800 York St. in Denver to the new facility. Adverse impact will include construction disruption and an increase in automobile traffic at the new facility (44 pages). (ELR Order No. 31421.) (NTIS Order No. EIS 73 1421-D.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Great Lakes and St. Lawrence Seaway, August 28: The statement refers to the proposed 1974 navigation season extension demonstration program on the Great Lakes and St. Lawrence Seaway. The program involves the examination of methods used to extend navigation operations which are usually suspended during the winter because of extensive ice formation. Among the methods used are ice breaking, and the use of heat additives and bubbler systems. Adverse impact includes that resulting from dredging, and possible thermal shock to fish populations if heat additives are abruptly terminated (Detroit District) (126 pages). (ELR Order No. 31418.) (NTIS Order No. EIS 73 1418-D.)

Port Everglades Harbor, Broward County, Fla., August 27: Proposed is the deepening and modifying of harbor dimensions in order to handle larger ships. An increase in shipping activity is expected to result. Dredged material will be used for beach replenishment, artificial fishing reef construction, or be deposited in diked upland areas. Construction will cause temporary turbidity. Increased traffic could increase the pollution potential of the harbor (Jacksonville District) (54 pages). (ELR Order No. 31408) (NTIS Order No. EIS 73 1408-F.)

Yazoo Headwater Project, Mississippi, August 20: The statement refers to a proposed flood control project for Ascalmore Creek and Tippo Bayou. Project measures will include levee improvement; channel work on 17 miles of channel; and the construction of water control structures and a stoplog weir. Woodland, wetland, and stream habitat totalling 6,300 acres would be committed to the project, with a reduction in extent and quality of fish and wildlife habitat, timber resources, and aesthetic amenities (Vicksburg District) (94 pages). (ELR Order No. 31382.) (NTIS Order No. EIS 73 1382-D.)

Passaic River Basin, New Jersey and New York, August 27: The statement refers to proposed Congressional authorization of flood control works in the Passaic River Basin. The major component of the project would be a dam across the Pompton and Passaic Rivers, with channel enlargement, levees, flood walls, and grading as related measures. Stream systems, fish and wildlife populations, and existing land use would be altered by the project (120 pages). (ELR Order No. 31412.) (NTIS Order No. EIS 73 1412-D.)

Bowline Point Generating Station, New York, August 23: The statement, a revised draft, refers to the proposed granting of a permit to Orange and Rockland Utilities, Inc., and the Consolidated Edison Company of New York, Inc., for a two unit, 1200 MW oil-fueled electric generating station. The station will occupy a 146-acre site, with a marine fuel oil receiving terminal extending 500 feet into the Hudson River, and subaqueous water discharge pipes. There will be construction disruption; potential for damage to marine life; a local increase in air pollution; and a loss of wetlands area. (The original draft statement was filed with the Council on October 24, 1972.) (New York District) (94 pages). (ELR Order No. 31401.) (NTIS Order No. EIS 73 1401-D.)

Falls Lake, Neuse River, Wake, Durham, and Granville Counties, N.C., August 29: The statement refers to the proposed construction and operation of a multipurpose (flood control, water supply and quality control, recreation, and fish and wildlife conservation) reservoir project on the Neuse River, near Raleigh. The project will require the acquisition of 42,259 acres, of which 12,490 acres, along with 22 miles of stream, will be inundated. There will be changes in land use, as well as economic impact, potential impact to rare and endangered species, and loss of archeological sites, along other impacts (Wilmington District) (five volumes). (ELR Order No. 31424.) NTIS Order No. EIS 73 1424-D.)

Pennypack Marine Terminal, Pa., August 29: The statement refers to the proposed granting of a permit to the Philadelphia Port Corporation for the construction of a marine terminal on the Delaware River. The project requires the rechannelization of Pennypack Creek, and an encroachment into the Delaware not to exceed 395 feet. Pennypack Creek will lose its natural meandering course, and its ecosystem will be altered. Residents of the Riverview Home for the Indigent and the House of Correction will be subjected to higher noise levels (Philadelphia District) (64 pages). (ELR Order No. 31419.) (NTIS Order No. EIS 73 1419-D.)

Alpine Lake Project, Texas, August 27: The statement refers to a recommendation of Congressional authorization for a small reservoir which will provide flood control, recreation, and water supply for the town of Alpine. Adverse impact will include the loss of 784 acres of wildlife habitat and grazing land (Albuquerque District) (44 pages). (ELR Order No. 31406.) (NTIS Order No. EIS 73 1406-D.)

Final

Dredging of Lewis and Clark Connecting Channel, Clatsop County, Oreg., August 29: Proposed is the dredging of a navigation channel in the lower Lewis and Clark River to connect with an existing channel in Young's Bay. The channel will be 4.4 miles long, 10 feet deep, 150 wide in the lower 8,000 feet and 100 feet wide upstream. Approximately 227,000 cubic yards of dredged material will be deposited on three diked disposal areas. Dredging will disturb 57 subaqueous acres, removing bottom organism. Other effects of the action are temporary turbidity; upstream intrusion of salt water with associated changes; and elimination or displacement of vegetation and animal life (81 pages). Comments made by: AHP, USDA, EPA, DOC, FPC, HUD, DOI, USCG, State, local, and regional agencies and citizen groups. (ELR Order No. 31422.) (NTIS Order No. EIS 73 1422-F.)

Trexler Lake, Lehigh County, Pa., August 30: The statement considers the construction of an earthfill dam on Jordan Creek, for the purposes of recreation, water supply, and flood control. Approximately 3,200 acres (1,200 of which will be inundated), will be acquired for the project; land will be taken from agricultural use and from state game preserves. Fifty percent of the Town of Lowhill, with an unspecified number of residences, will be acquired for the project (Philadelphia District). Comments made by: DOI, EPA, HEW, USDA, HUD, DOC, local agencies, and concerned citizens. (ELR Order No. 31430.) (NTIS Order No. EIS 73 1430-F.)

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202-697-0892.

Draft

ORV Use, Mirror Lake Weapons Center, Calif., August 27: The statement refers to the proposed establishment of a 180-acre Mirror Lake area of the Naval Weapons Center, China Lake, for operation of off-road vehicles. There may be increased noise and air (dust) pollution (71 pages). (ELR Order No. 31411.) (NTIS Order No. EIS 73 1411-d.)

Supplement

Submarine Base, New London, Supplement, Connecticut, August 27: The document supplements a draft statement which covers the proposed dredging of the Thames River at the U.S. Navy Submarine Base, New London. The draft statement was filed with the Council on May 17, 1973. The supplement details alternative means of dredge spoil dis-

posal (96 pages). (ELR Order No. 31409.) (NTIS Order No. EIS 73 1409–D.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Draft

Davis Pumped Storage Project No. 2709, Tucker and Grant Counties, W. Va., August 16: The statement refers to an application by the Monongahela Power Co., the Potomac Edison Co., and the West Penn Power Co. for the construction, operation, and maintenance of the project, to be located on the Blackwater River and Red Creek. The project will consist of a 600 acre upper reservoir, a 7,000-acre lower reservoir, a powerhouse with four 50 MW units, 12 miles of 500-kV transmission line, and recreation facilities. The project will result in the inundation of 7,600 acres, eliminating wildlife habitat and livestock grazing land, as well as a section of a free flowing river and its sport fishery. (ELR Order No. 31359.) (NTIS Order No. EIS 73 1359–D.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

Final

Prototype Oil Shale Leasing Program, August 29: The statement refers to the proposed leasing of six tracts of not more than 5,120 acres each for the purpose of Oil Shale development. Two tracts are located in each of the states of Colorado, Utah, and Wyoming. Impacts of the action will include those on the land itself, on water and air quality, on fish and wildlife habitat, on competing land uses, and on social and economic patterns. The statement assesses the impacts from both prototype development and a mature industry (6 volumes). Comments made by: DOI, EPA, FPC, OEP, USDA, AEC, DOC, HEW, HUD, USN, agencies of California, Colorado, and Wyoming, and concerned citizens. (ELR Order No. 31423.) (NTIS Order No. EIS 73 1423–F.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Turnbull National Wildlife Refuge, Spokane County, Wash., August 27: Proposed is the continued operation, maintenance and development of the Turnbull National Wildlife Refuge, including the acquisition of 2,795.5 acres of additional lands. The action would result in continued protection of a relatively undisturbed section of natural environment (58 pages). (ELR Order No. 31405.) (NTIS Order No. EIS 73 1405–D.)

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas O. Jones, Deputy Assistant to the Director, National and International Programs, Room 703, Washington, D.C. 20550, 202–632–4180.

Draft

Dry Valley Drilling Project, Antarctica, August 30: The statement refers to proposed support of the Dry Valley Drilling Project at McMurdo Sound, Antarctica, during the 1973–1974 austral summer. The project, part of the U.S. Antarctic Research Program, is planned to study the diverse geological framework of the region, which contains rocks and sediments ranging in age from the Precambrian to Recent. From 10 to 15 boreholes are scheduled, with core drilling to a depth of 300 meters. The most likely impact would be that resulting from unexpecting spillage of drilling muds (106 pages). (ELR Order No. 31425.) (NTIS Order No. EIS 73 1425–D.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

S.R. 35, Jackson County, Ala., August 30: The proposed project is the construction of SR 35 for 5.3 miles in Jackson County. The project will require 130 to 160 acres of land and displace 10 to 23 families and 2 businesses. Loss of wildlife habitat and increased water pollution will occur (50 pages). (ELR Order No. 31426.) (NTIS Order No. EIS 73 466–5347.

I–40, Kingman-Ash Fork Highway, Yavapai County, Ariz., August 22: Proposed is the construction of a 3.41-mile section of I–40 south of the Town of Ash Fork. Adverse effects of the action include acquisition of land for right of way, alteration of the natural terrain, removal of vegetation, and inconvenience to the community during construction (50 pages). (ELR Order No. 31398.) (NTIS Order No. EIS 73 1398–D.)

Atlantic Boulevard Extension, SR 814, Broward County, Fla., August 30: The proposed project is the construction of SR 814 (Atlantic Boulevard Extension) for 3 miles. Six acres of land will be acquired for right of way. Adverse impacts are loss of agricultural and timber land, and increased noise, air and water pollution. (ELR Order No. 31429.) (NTIS Order No. EIS 73 1429–D.)

S.R. 234, Dougherty County, Ga., August 28: The project consists of widening a four mile section of S.R. 234 from two to four lanes. The project will extend from U.S. 19 west to Beattie Road. Four businesses may be displaced and an unspecified amount of land acquired for right of way. Section 4(f) land from Baldwin Park will be acquired (86 pages). (ELR Order No. 31413.) (NTIS Order No. EIS 73 1413–D.)

F.A.S. Route 471, Sanders County, Mont., August 27: Proposed is the reconstruction of approximately 8.5 miles of F.A.S. No. 471. The project follows the Prospect Creek Drainage from Glidden Gulch on the west to Daisy Creek on the east. Adverse effects of the action include acquisition of right of way, and increased noise, air, and water pollution during construction (50 pages). (ELR Order No. 31410.) (NTIS Order No. EIS 73 1410–D.)

North Freeway, Omaha, Douglas County, Nebr., August 27: Proposed is the construction of a 0.7 mile extension to the present North Freeway in Omaha. Adverse effects of the project include acquisition of right of way, relocation impacts on wildlife, possible erosion and water pollution, and conflicts with present utilities (20 pages). (ELR Order No. 31407.) (NTIS Order No. EIS 73 1407–D.)

Final

S.R. 331, Mushawaka, St. Joseph County, Ind., August 30: The proposed project is the construction of 0.92 miles of SR 331 in Mushawaka. The project will displace 18 families, a church, and 4 businesses. An increase in noise levels will occur (58 pages). Comments made by: USDA, DOI, EPA, and one State agency. (ELR Order No. 31432.) (NTIS Order No. EIS 73 1432–F.)

Newcastle Marginal, Weston County, Wyo., August 30: The statement is concerned with construction of a marginal route for U.S. 16 along the southern edge of the City of Newcastle. Project length is approximately 1.8 miles. Increased noise levels, dust, soil exposure and traffic disruption will occur (25 pages). Comments made by: USDA, DOI, EPA, and HUD. (ELR Order No. 31433.) (NTIS Order No. EIS 73 1433–F.)

VETERANS ADMINISTRATION

Contact: Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Draft

VA Replacement Hospital, Bronx, N.Y., August 28: Proposed is the construction of a 702-bed hospital to replace the existing 1,150-bed facility which comprises the Bronx Veterans Administration Hospital. Three existing buildings will be retained and the rest demolished after construction of the new building. Adverse impacts stemming from the project are: inconvenience to hospital operation during the four-year construction period; disposal of demolition debris; and degradation of aesthetics along Segdwick Avenue (37 pages). (ELR Order No. 31414.) (NTIS Order No. EIS 73 1414–D.)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73–19125 Filed 9–7–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Establishment of Temporary Tolerance

Amchem Products, Inc., Ambler, Pa. 19002, submitted a petition (PP 3G1341) requesting establishment of a temporary tolerance for residues of the plant regulator ethephon (2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity grapes at 5 parts per million.

Subsequently, the petitioner amended the petition by increasing the proposed temporary tolerance for ethephon residues in or on grapes to 10 parts per million.

It has been determined that a temporary tolerance for residues of the plant regulator in or on grapes at 10 parts per million will protect the public health. It is therefore established as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Amchem Products, Inc., name.

This temporary tolerance expires Aug. 30, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated August 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–19107 Filed 9–7–73;8:45 am]

ALLIED CHEMICAL CORP.

[I.F. & R. Docket No. 146]

Determination and Order

In re Allied Chemical Corporation, Petitioner, Registration Numbers 218-495, -516, -543, -564, -565, -586, -590, -628, and -638.

By Determination and Order of March 28, 1973 (38 FR 8615), the Administrator granted a temporary and minor modification to the May 3, 1972 Order (37 FR 10987) and the June 30, 1972, Order restricting the application of Mirex bait (38 FR 13299). Because of continuing controversy since June 30, 1972, over the use of Mirex, the March 28, 1973, Order was accompanied by a Notice of Intent to Hold a Hearing to Determine whether the registration of Mirex should be cancelled or amended (38 FR 8616). The March 28 modifications were granted, primarily, to permit the United States Department of Agriculture to go forward with its Spring application program for the control of the imported fire ant, by clarifying certain restrictions in the previous Mirex Order which prohibited application of Mirex "on or near aquatic areas." As construed literally, this prohibition had included all aquatic sectors, and required that United States Department of Agriculture in its aerial program cut off Mirex application over even very small bodies of water, such as farm ponds or small streams. The need to avoid such small sectors allegedly resulted in the inability to treat large areas which were infested with fire ants. The March 28 interpretative order thereby permitted for the Spring 1973 application, the use of Mirex on or near those very small streams and farm ponds which are not shown on U.S. Geological Survey maps with a scale of 1:24,000.

The necessity for this and other slight modifications was to be considered in depth as a part of the overall risk-benefit considerations at the Mirex hearings, which it was anticipated would be completed before the Fall spraying season was underway.

However, because of the need for additional time for all interested parties to prepare adequately for a public hearing on the numerous questions posed by Mirex application, it has not been possible for hearings to be initiated and a fully developed record completed before the Fall application season. Consequently, I hereby extend for the Fall application season, the minor modifications of the March 28 Order as to the United States Department of Agriculture aerial program for control of the imported fire ant.

I further urge that, in the upcoming Mirex hearings, United States Department of Agriculture, the Registrant, Allied Chemical Corporation, as part of their evidence on the overall questions in issue at those hearings, adduce evidence in support of the contention of the United States Department of Agriculture that the modifications contained in the March 28 Order will not permit an unreasonable adverse effect on the environment and that these modifications are necessary to an effective program for the control of the imported fire ant.

All future orders as to the registered uses of Mirex will be contingent upon and derived from the evidence of record adduced at the upcoming hearings.

ORDER

1. For the Fall 1973 application, aerial broadcast of Mirex pesticides is prohibited within coastal counties; and all broadcast application aerial or otherwise is prohibited in or near aquatic areas and heavily forested areas as defined herein.

Aquatic areas are defined as: Any aquatic system including estuaries, rivers, streams, swamps, marshes, lakes, bays, ponds, or other bodies of water which are shown on U.S. Geological Topographic Surveys maps at a scale of 1:24,000, excluding intermittent streams as defined herein, but not excluding intermittent streams with a flow during the period of application, and farm ponds as defined herein, but not excluding ponds used for food production or human consumption.

Farm ponds are defined as: Man-made impoundments of water occurring on farms to be utilized for purposes such as irrigation, stock-watering, recreation.

Intermittent streams are defined as: Those streams that have continuous flow during periods of heavy rainfall, but with little or no flow during the remainder of the year.

Heavily forested areas are defined as: Forest stands having 80 percent or more crown closure with trees of any size.

2. It is urged that Registrant and U.S. Department of Agriculture, parties to the upcoming Mirex hearings as part of their evidence on the overall questions in issue, adduce whatever evidence may support the contention of USDA that the modifications contained in this Order will not permit an unreasonable adverse effect on the environment and that these modifications are necessary to an effective program for the control of the imported fire ant.

3. All other provisions and restrictions of the May 3 determination and order and the June 30 determination and order on Mirex remain in full force and effect.

AUTHORITY: 7 U.S.C. 135b.

Dated August 28, 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-19108 Filed 9-7-73;8:45 am]

ATRAZINE

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 4F1425) has been filed by CIBA-GEIGY Corp., Post Office Box 11422, Greensboro, N.C. 27409, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylyamino-s-triazine) in or on the raw agricultural commodity range grasses at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using chloride specific microcoulometric detection.

Dated August 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-19109 Filed 9-7-73;8:45 am]

NIPAK, INC.

Notice of Withdrawal 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)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), NIPAK, Inc., Post Office Box 338, Pryor, Okla. 74361, has withdrawn its petition (PP 2F1270), notice of which was published in the FEDERAL REGISTER of October 7, 1972 (37 FR 21364), proposing establishment of an exemption from the requirement of a tolerance for residues of the plant regulator bluret on sugar beets.

Dated August 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-19110 Filed 9-7-73;8:45 am]

UNIROYAL CHEMICAL

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 4H5041) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in dried prunes at 135 parts per million resulting from application of the plant regulator to growing plums.

Dated August 30, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-19111 Filed 9-7-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 664]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 4, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an appli-

[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).

cation, 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 one 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,
VINCENT J. MULLINS,
Acting Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20155-C2-P-74—The Mountain States Telephone and Telegraph Company (KOE512). C.P. to change antenna system and location and to relocate all facilities operating on 152.66 and 152.78 MHz at 11.7 miles east-northeast of Cody, Wyoming.

20206-C2-P-(4)-74—Mobile Tel & Pager, Inc. (NEW) C.P. for a new 2-way station to operate on 454.025, 454.050, 454.250, & 152.240 MHz to be located at 1.5 miles N.E. of Barnesville on Hog Mountain, Barnesville, Georgia.

20207-C2-P-74—Radio Telephone of Mississippi, Inc. (NEW) C.P. for a new 2-way station to operate on 152.180 MHz to be located at approximately 2 miles E. of Belzoni, Mississippi.

20208-C2-P-74—Mobile Dispatch Service (KIR204) C.P. to change antenna location at Loc. #1 operating on 152.120, 454.100, 454.250, 454.325, and 454.275 MHz located at 1400 NW. 23rd Avenue, Fort Lauderdale, Florida.

20209-C2-P-74—Airvoice, Inc. (NEW) C.P. for a new 1-way signaling station to operate on 158.70 MHz to be located at 1 mile south of Americus on Murphy Mill Road, Americus, Georgia.

20210-C2-P-74—Mobile Dispatching Service (KRM963) C.P. to change antenna location operating on 158.70 MHz at 1400 NW 23rd Avenue, Ft. Lauderdale, Florida.

20211-C2-P-74—Coastal Utilities, Inc. C.P. for a new 1-way signaling station to operate on 152.840 MHz to be located at 1.24 miles South of intersection U.S. Hwy. 82 and Atlantic Coast Line Railroad, Near McIntosh, Georgia.

20212-C2-P-(2)-74—E & J Mobile Radio Service (NEW) C.P. for a new 2-way station to operate on 454.200 and 454.225 MHz to be located at 1.5 miles NE. of Hillsboro, Ohio.

20213-C2-P-(2)-74—Mobile Telephone Company of New Jersey (NEW) C.P. for a new 2-way station to operate on 454.250 and 454.275 MHz to be located at Rt. 72, 1.7 miles NW. intersection of Rt. 539, Barnegat, New Jersey.

20214-C2-P-(2)-74—Mobile Telephone Company of New Jersey (NEW) C.P. for a new 2-way station to operate on 454.075 and 454.200 MHz to be located at 2953 White Horse Pike, Egg Harbor City, New Jersey.

20215-C2-TC-74—Colfax Telephone Exchange (KMM688) Consent to Transfer of Control from Chester A. and Gladys M. Gibbs, TRANSFEROR, to Continental Telephone Corporation. TRANSFEREE. Station: KMM688, Colfax, California.

20216-C2-P-74—Lett Electronics, Inc. (KTS-250) C.P. to change antenna system operating on 158.70 MHz at 15 East 2nd Street, Hutchinson (Reno), Kansas.

20217-C2-P-74—Lett Electronics, Inc. (KEK-275) C.P. to change antenna system operating on 152.12 MHz at Loc. #2: 15 East 2nd Street, Hutchinson, Kansas.

MAJOR AMENDMENTS

8178-C2-P-72—Paging, Inc. (NEW) Amend to change transmitter and antenna system. All other particulars are to remain as reported on PN #597 dated May 22, 1972.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

NEW MEXICO

Western Mobilphone, Inc. (KKM582), 7923-C2-P-(4)-72.
Contact of Farmington, Inc. (NEW), 57-C2-P-73.

CORRECTIONS

20192-C2-P-74—Aircall, Inc. (KIY779) Correct PN to add; change antenna system, replace transmitter, and change emission operating on 152.24 MHz on top of Spivey Mountain, Asheville, North Carolina. All other particulars to remain as reported on PN #663 dated August 27, 1973.

21202-C2-P-74—The Mountain States Telephone and Telegraph Company (KKH476). Correct PN to change file number to 20202-C2-P-74. All other particulars to remain as reported on PN #663, dated August 27, 1973.

21203-C2-P-(4)-74—General Telephone Company of Florida (KIY397). Correct PN to change file number to 20203-C2-P-(4)-74. All other particulars to remain as reported on PN #663, dated August 27, 1973.

21204-C2-MP-(4)-74—General Telephone Company of Florida (KRS647). Correct PN to change file number to 20204-C2-MP-(4)-74. All other particulars to remain as reported on PN #663, dated August 27, 1973.

RURAL RADIO SERVICE

60046-C6-P-(2)-74—Arvig Telephone Company (NEW) C.P. for a new rural subscriber station to operate on 157.83 and 158.07 MHz temp-fixed.

60047-C6-P-74—Arvig Telephone Company (NEW) C.P. for a new rural subscriber station to operate on 459.650 to be located at Elephant Lake Lookout Tower, 0.6 mile South of Elephant Lake, Minnesota.

60048-C6-P-74—Arvig Telephone Company (NEW) C.P. for a new rural subscriber station to operate on 459.650 MHz, temp-fixed.

60049-C6-P-74—Arvig Telephone Company (NEW) C.P. for a new Central office station to operate on 454.650 MHz to be located at 1.8 miles North of Ash River Falls, Minnesota.

MAJOR AMENDMENTS

983-C1-P/L-73—The Chesapeake and Potomac Telephone Company of Virginia. (NEW) Amend to correct frequency 152.53 to frequency 152.24. All other particulars to remain as reported on PN #611, dated August 28, 1972.

987-C1-P/L-73—The Chesapeake and Potomac Telephone Company of Virginia. (NEW) Amend to correct frequency 152.53 to frequency 152.54 and add frequency 459.375. All other particulars to remain as reported on PN #661, dated August 28, 1972.

POINT-TO-POINT MICROWAVE RADIO SERVICE

497-C1-P-74—American Telephone and Telegraph Company. (KKP96) 3.5 miles N. of Terrell, Texas. Lat. 32°47'48" N., Long. 96°16'38" W. C.P. to add a transmitter and frequencies: 3950H toward Emory, Texas, on azimuth 83°50'; 3990H toward Lindale, Texas, on azimuth 127°38'; 3950H toward East Mountain, Texas, on azimuth 79°54'; 3990H toward Marshall, Texas, on azimuth 89°24'; 3950H toward Leigh, Texas on azimuth 92°30' and 3990H toward Shreveport, La., on azimuth 107°28'.

498-C1-P-74—Same. (KKP97) 4.5 miles SW. of Emory, Texas. Lat. 32°50'12" N., Long. 95°49'50" W. C.P. to add a transmitter and frequencies: 3950H toward Emory, Texas, on azimuth 83°50'; 3990H toward Lindale, Texas, on azimuth 127°38'; 3950H toward East Mountain, Texas, on azimuth 79°54'; 3990H toward Marshall, Texas, on azimuth 89°24'; 3950H toward Leigh, Texas, on azimuth 92°30'; 3990H toward Shreveport, La., on azimuth 107°28'.

499-C1-P-74—Same. (KKP98) 2.5 miles NE. of Lindale, Texas. Lat. 32°32'16" N., Long. 95°22'27" W. C.P. to add a transmitter and frequencies: 3950H toward Emory, Texas, on azimuth 83°50'; 3990H toward Lindale, Texas, on azimuth 127°38'; 3950H toward East Mountain, Texas, on azimuth 79°54'; 3990H toward Marshall, Texas, on azimuth 89°24'; 3950H toward Leigh, Texas, on azimuth 92°30'; 3990H toward Shreveport, La., on azimuth 107°28'.

500-C1-P-74—Same. (KKP99) 2.0 miles NW. of East Mountain, Texas. Lat. 32°36'45" N., Long. 94°52'20" W. C.P. to add a transmitter and frequencies: 3950H toward Emory, Texas, on azimuth 83°50'; 3990H toward Lindale, Texas, on azimuth 127°38'; 3950H toward East Mount, Texas, on azimuth 79°54'; 3990H toward Marshall, Texas, on azimuth 89°24'; 3950H toward Leigh, Texas, on azimuth 92°30'; 3990H toward Shreveport, La., on azimuth 107°28'.

501-C1-P-74—Same. (KKT20) 4.5 miles N. of Marshall, Texas. Lat. 32°36'57" N., Long. 94°23'33" W. C.P. to add a transmitter and frequencies: 3950H toward Emory, Texas,

on azimuth 83°50'; 3990H toward Lindale, Texas, on azimuth 127°38'; 3950H toward East Mountain, Texas, on azimuth 79°54'; 3990H toward Marshall, Texas, on azimuth 89°24'; 3950 toward Leigh, Texas, on azimuth 92°30'; 3990H toward Shreveport, La., on azimuth 107°28'.

502–C1–P–74—Same. (KKT21) 2.0 miles E. of Leigh, Texas. Lat. 32°36'17" N., Long. 94°-06'04" W. C.P. to add a transmitter and frequencies: 3950H toward Emory, Texas, on azimuth 83°50'; 3990H toward Lindale, Texas, on azimuth 127°38'; 3950H toward East Mountain, Texas, on azimuth 79°54'; 3990H toward Marshall, Texas, on azimuth 89°24'; 3950H toward Leigh, Texas, on azimuth 92°30'; 3990H toward Shreveport, La., on azimuth 107°28'.

503–C1–P–74—Same. (KEA49) 158 State Street, Albany, New York. Lat. 42°39'-03" N., Long. 73°45'28" W. C.P. to add a transmitter and frequencies: 3710V toward Kinderhook, New York, on azimuth 169°-11'; 3750V toward Albany, New York, on azimuth 349°14'; 3750V toward Halihan Hill, New York, on azimuth 213°55'; 3710V toward Kinderhook, New York, on azimuth 33°41'.

504–C1–P–74—American Telephone and Telegraph Company (KEE58) 4 miles North of Kingston, New York. Lat 41°59'22" N., Long. 74°01'06" W. C.P. to add a transmitter and frequencies: 3710V toward Kinderhook, New York, on azimuth 169°11'; 3750V toward Albany, New York, on azimuth 349°14'; 3750V toward Halihan, New York, on azimuth 213°55'; 3710V toward Kinderhook, New York, on azimuth 33°41'.

505–C1–P–74—Same (KEG61) 2.4 miles SE. of Kinderhook, New York. Lat. 42°21'42" N., Long. 73°41'00" W. C.P. to add a transmitter and frequencies: 3710V toward Kinderhook, New York, on azimuth 169°11'; 3750V toward Albany, New York, on azimuth 349°14'; 3750V toward Halihan, New York, on azimuth 213°55'; 3710V toward Kinderhook, New York, on azimuth 33°41'.

506–C1–P–74—General Telephone Company of the Southwest. (KLO90) 320 North Shipp Street, Hobbs, New Mexico. Lat. 32°42'09". Long. 103°08'08" W. Proposed path to Buckeye, New Mexico, on frequency 6375.2H, change antenna system and replace transmitters toward Lovington, New Mexico.

507–C1–P–74—Same. (KLO91) 8.0 miles Southwest of Buckeye, New Mexico. C.P. for proposed paths to Hobbs and Moroon Cliffs, New Mexico, on 6123.1H and 6034.2H respectively. Change antenna system and change in location to Lat. 32°41'42" N., Long. 103°33'14" W.

508–C1–P–74—Same. (KLO92) 313 West Fox Street, Carlsbad, New Mexico. Lat. 32°25'-07" N., Long. 104°13'45" W. C.P. to change antenna system, replace transmitters, and add frequency 1079.5V toward on azimuth 287°00' toward Carlsbad RI, New Mexico.

509–C1–P–74—Same. (NEW) 1 mile West of Carlsbad, New Mexico. Lat. 32°35'42" N., Long. 104°16'00" W. C.P. for a new station on frequencies: 6078.6H toward Maroon Cliffs, N. Mex., on azimuth 73°43'; 1132.5V toward Carlsbad, N. Mex., on azimuth 106°59'.

510–C1–P–74—Same. (New) 22 miles East of Carlsbad, New Mexico. Lat. 32°31'22" N., Long. 103°52'58" W. C.P. for a new station on frequencies: 6286.2H toward Buckeye, N. Mex., on azimuth 58°10'; 6330.7H toward Carlsbad R1, New Mexico, on azimuth 253°55'; 6256.5V toward Artesia Jct., N. Mex., on azimuth 318°29'.

595–C1–P–74—East Texas Transmission Company. (New). Goodman Mountain, 5.0 miles WNW of Kilgore, Texas. Lat. 32°24'39" N., Long. 94°59'16" W. C.P. for a new station on frequencies: 6226.9V, 6286.2V, and 6345.5V toward Gladewater, Texas, on azimuth of 16°17'. (NOTE.—This application "reinstates" proposed service to Gladewater, Texas, which was recently severed from pending application (1078–C1–P–72). Waiver of section 21.701(1) is requested by East Texas.)

596–C1–P–74—United Video, Inc. (New) 44th Street and Sheridan Road, Tulsa, Oklahoma. Lat. 36°05'58" N., Long. 95°54'05" W. Application for a new station on frequency 6034.2H toward Avant, Oklahoma, on azimuth 339°26'. (NOTE.—A waiver of Section 21.701(1) is requested by United.)

597–C1–P–74—United Video, Inc. (New) 4 miles South of Avant, Oklahoma. Lat. 36°26'27" N., Long. 96°03'36" W. Application for a new station on frequency: 6286.2H toward Bartlesville, Oklahoma, on azimuth 15°14'.

598–C1–P–74—MCI Telecommunications Corporation (formerly MCI Indiana-Ohio, Inc) (New) 3.0 miles SSE. of Medina, Ohio. Lat. 41°04'48" N., Long. 81°50'32" W. C.P. for a new station on frequency 6286.2H toward Nova, Ohio, on azimuth 256°28'. (Informative: Point of communication proposed in this application has been deleted from pending application 4124–C1–P–72 for the same station in order to allow for the separate consideration of the two proposals. Frequency 6226.9H toward Nova, Ohio, on azimuth 256°25' is also deleted from pending application 4124–C1–P–72).

599–C1–P–74—Same (New) 0.1 mile NE. of Hilliard, Ohio. Lat. 40°00'37" N., Long. 83°11'16" W. C.P. for a new station on frequency 10775.0V toward Columbus, Ohio, on azimuth 107°57'. (Informative: Frequencies and point of communication proposed in this application have been deleted from pending application 8878–C1–P–70 for the same station in order to allow for the separate consideration of the two proposals).

600–C1–P–74—Continental Telephone Company of California. (KNB40). Near Garberville, California. C.P. to change antenna system, replace transmitter, and add frequency 2118.4V toward Zenia, California, on azimuth 60°33'.

601–C1–P–74—Same. (KNB42) Zenia, California. Lat. 40°12'26" N., Long. 123°29'20" W. C.P. to change antenna system, replace transmitter, and add frequency 2168.4V toward Garberville, California, on azimuth 240°41'.

602–C1–MP–74 through 623–C1–MP–74—The Western Union Telegraph Company. (KGB42, KGH87, KQG27, KQG28, KQG29, KQG30, KQG31, KQG32, KQG33, KQG34, KQG35, KSG77, KSG78, KSG79, KSG80, KSG89, KSG90, KSG91, KSG92, KSG93, KSG94, KSG95). Location on existing Microwave route between Chicago, Illinois, and Pittsburgh, Pennsylvania. Mod. C.P.'s (22) to replace transmitters and reduce power from 10 to 3.5 watts on its existing construction permits file numbers 78–C1–P 72 through 99–C1–P–72.

635–C1–P–74—Western Tele-Communications, Inc. (New) C.P. for a new station at Salt Lake City, Utah. 1251 Wilmington Avenue at Lat. 40°43'25" N., Long. 111°-51'17" W. Frequency 10835V on azimuth 243°43', toward Nelson Peak, Utah.

636–C1–P–74—Same. (KPT21) Nelson Peak, Utah, 18 miles SW. of Salt Lake City, Utah. Lat. 40°36'30.5" N., Long. 112°09'34" W. C.P. to add frequency 6390.0H toward Curlew, Idaho, on azimuth 349°28'.

637–C1–P–74—Same. (KPT22) Curlew, Idaho. 17.5 miles WNW. of Malad City, Idaho. Lat. 42°16'32" N., Long. 112°34'38" W. C.P. to add frequencies: 5960.0H, 5989.7V, 6019.3H, 6078.6H, 6108.3V, and 6137.9H toward Harrison Mountain, Idaho, on azimuth 274°47'.

638–C1–P–74—Western Tele-Communications, Inc. (New) C.P. for a new station at Harrison Mtn., Idaho 12.4 miles WNW. of Malta, Idaho, at Lat. 42°20'05" N., Long. 113°36'16" W. Frequencies: 6197.2H, 6226.9V, 6286.2V, 6345.5V, 6404.8V, and 6375.2H toward Castleford, Idaho, on azimuth 280°01'. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6404.8H toward Twin Falls, Idaho, on azimuth 289°39'. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 306°34' toward Gooding, Idaho. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 342°50' toward Burley-Ruppert, Idaho.

639–C1–P–74—Same (New). C.P. for a new station at Castleford, Idaho. 8.0 miles WSW. of Castleford, Idaho. Lat. 42°30'41" N., Long. 115°01'20" W. Frequencies 5945.2H, 6004.5H, and 6123.1H on azimuth 337°44' toward Bennett Mtn., Idaho. Frequencies 5945.2H, 6004.5H, 6034.2V, and 6123.1H on azimuth 60°24', toward Jerome (Drop), Idaho.

640–C1–P–74—Same. (New). C.P. for a new station at Bennett Mtn., Idaho, 4.5 miles South of Dixie, Idaho. Lat. 43°14'55" N., Long. 115°26'08" W. Frequencies 6375.2V, 6404.8H, and 6345.5H on azimuth 315°31' toward Deer Point, Idaho.

641–C1–P–74—Same. (New). C.P. for a new station at Deer Point, Idaho, 9 miles NE. of Boise, Idaho. Lat. 43°44'37" N., Long. 116°06'32" W. Frequencies: 11175V, 10935V, and 11095V on azimuth 278°49' toward Apple Valley, Idaho.

642–C1–P–74—Same. (New). C.P. for a new station at Apple Valley, Idaho. 5.8 miles ESE. of Apple Valley, Idaho. Lat. 43°49'32" N. Long. 116°51'40" W. Frequencies: 11385V, 11625V, and 11505H on azimuth 299°18' toward New Vale, Idaho. Frequencies 11385V, 11625V, and 11505H on azimuth 354°59' toward Payette, Idaho. Frequencies 11385V, 11625V, and 11505H on azimuth 351°12' toward Weiser, Idaho. Frequencies 11385V, 11625V, and 11505H on azimuth 82°17' toward Emmett, Idaho. Frequencies 11385V, 11625V, and 11505H on azimuth 114°41' toward Boise, Idaho. Frequencies: 11585H, 11625V, and 11505H on azimuth 140°15' toward Nampa, Idaho. Frequencies: 11385V, 11625V, and 11505H on azimuth 267°23' toward Parma, Idaho.

643–C1–P–74—The Chesapeake and Potomac Telephone Company of Maryland. (KGO71) On Route #135, 1 mile SE. of Swanton, Maryland. Lat. 39°27'02" N., Long. 79°12'-59" W. C.P. to change power, replace a transmitter, and change frequency 6071.2V to 6078.6V toward Terra Alta, West Virginia on azimuth 283°35'.

644–C1–P–74—The Pacific Telephone and Telegraph Company. (KMA38) 434 South Grand Avenue, Los Angeles, California. Lat. 34°03'03" N., Long. 118°15'08" W. C.P. to add a transmitter and frequency 3770H toward Padua Hills, California, on azimuth 78°05'.

645–C1–P–74—Same. (KMQ33) 9 miles North of San Bernardino, California. Lat. 34°13'55" N., Long. 117°14'04" W. C.P. to add a transmitter and frequency 3770H toward Padua Hills, California, on azimuth 257°40'.

646–C1–P–74—The Pacific Telephone and Telegraph Company. (KMW74). Padua Hills, 3 miles North of Claremont, California. Lat. 34°08'33" N., Long. 117°43'17" W. C.P. to add transmitter and frequencies: 3730H toward Strawberry Peak, Calif., on azimuth 77°24'; 3730H toward Los Angeles, Calif., on azimuth 258°23'.

449–C1–MP–74—MCI Telecommunications Corporation. (WOE51). Ann Arbor, Michigan. Mod. of C.P. to increase power to 5 watts for frequencies: 10775H and 11175H toward Bridgewater, Michigan.

450–C1–MP–74—Same. (WOE52). Bridgewater, Michigan. Mod. of C.P. to increase power to 5 watts for frequencies 11265H and 11665H toward Ann Arbor, Michigan.

8943–C1–MP–73—MCI Telecommunications Corporation, 125 East 31st Street, Kansas City (Jackson), Missouri. Lat. 39°04'14" N., Long. 94°34'59" N. Mod. of C.P. to change polarization from H to V on frequency 5974.8. This entry was inadvertently left off the June 11, 1973, Public Notice.

Informative: The following applications have been amended to substitute MCI Telecommunications Corporation as the Applicant. This change results from the merger of MCI Indiana-Ohio, Inc., into MCI Telecommunications Corporation File Number: 8857–8887–C1–P–70, 4124–4130–C1–P–72, 7154–7164–C1–P–72, 3090–3093–C1–P–73, 6631–C1–P–73.

Major Amendments

4125–C1–P–72—MCI Telecommunications Corporation (formerly MCI Indiana-Ohio) (New). Relocate station to 2.3 miles SSE of Nova, Ohio. Lat. 40°59'55" N., Long. 82°-17'02" W. Change frequency 5974.8H MHz to 6034.2H MHz toward Medina, Ohio, on azimuth 76 deg./11 min. Change frequency 5945.2V MHz to 6034.2V MHz toward Mansfield, Ohio, on azimuth 211 deg./11 min.

4126–C1–P–72—Same (New) Mansfield, Ohio. Lat. 40°41'02" N., Long. 82°32'02" W. Change frequency 6197.2V MHz to 6286.2H MHz toward Nova, Ohio, on new azimuth 31 deg./01 min.

8878–C1–P–70—Same (New) Hilliard, Ohio. Lat. 40°00'37" N., Long. 83°11'16" W. Change frequency 5945.2V MHz to 6004.5V MHz on azimuth 257 deg./20 min. toward Vienna, Ohio. Delete Columbus, Ohio, as a point of communication.

4129–C1–P–72—Same (New) Vienna, Ohio. Lat. 39°56'13" N., Long. 83°36'26" W. Change frequency 6197.2V MHz to 6226.9V MHz toward Hilliard, Ohio, on azimuth 77 deg./04 min. Change frequency 6226.9V MHz to 6286.2V MHz toward Byron, Ohio, on azimuth 240 deg./12 min.

4130–C1–P–72—Same (New) Byron, Ohio. Lat. 39°47'11" N., Long. 83°56'49" W. Change frequency 5974.8V MHz to 6034.2V MHz toward Vienna, Ohio, on azimuth 59 deg./59 min. Change frequency 5945.2H MHz to 5974.8V MHz toward Waynesville, Ohio, on azimuth 211 deg./03 min.

8876–C1–P–70—Same (New) Waynesville, Ohio. Lat. 39°34'14" N., Long. 84°06'53" W. Change frequency 6197.2H MHz to 6256.5V MHz toward Byron, Ohio, on azimuth 30 deg./56 min. Change frequency 6226.9H MHz to 6286.2H MHz toward Mason, Ohio, on new azimuth 212 deg./29 min.

8871–C1–P–70—Same (New) Relocate station to 2.7 miles South of Mason, Ohio. Lat. 39°-19'18" N., Long. 84°19'07" W. Change frequency 5974.8H MHz to 6034.2H MHz toward Waynesville, Ohio, on azimuth 32 deg./21 min. Change azimuth of frequency 5945.2V MHz toward Cincinnati, Ohio, to 214 deg./23 min.

8874–C1–P–70—Same (New) Cincinnati, Ohio. Lat. 39°06'06" N., Long. 84°30'42" W. Change frequency 6197.2V MHz to 6286.2V MHz toward Mason, Ohio, on new azimuth 34 deg./16 min.

7009–C1–MP–73—Data Transmission Company (WKR42) 6.0 miles W. of Spring, Texas. Change polarization and azimuth of frequency 6404.8 MHz toward Houston to vertical and 160°52'.

7008–C1–MP–73—Same (WKR41) 1.0 mile S. of Montgomery, Texas. Change polarization of frequency 6152.8 MHz toward Mossy Grove to horizontal.

9947–C1–MP–73—Same (WQP23) 1.7 miles SW. of Velma, Oklahoma. Change frequency on azimuth 331°28' toward Rush Springs to 5945.2 MHz (V).

9950–C1–MP–73—Same (WQP26) 4.5 miles NE. of El Reno, Oklahoma. Change polarization of frequency 6404.8 MHz toward Bridge Creek to horizontal.

5099–C1–P–70—Eastern Microwave, Inc. (KEA64). Major amendment filed to change receive site (Gloversville) coordinates to Lat. 43°02'41" N., Long. 74°21'58" W. Change frequencies to 5989.7H MHz and 6049.0H MHz toward Gloversville, New York, on azimuth of 40°40'.

7993–C1–P–70—Same (KEM58) Major amendment filed to change receive site (from Colonie to Schenectady) coordinates to Lat. 42°48'24" N., Long. 73°54'44" W. Delete frequency 5960.0V MHz and change 6019.3V MHz and 6078.6V to 6241.7H MHz and 6301.0H MHz respectfully (via power split) toward Schenectady (via back to back parabolic antenna Passive Repeater) on azimuth of 50°01'.

Corrections

263–C1–P–74—Continental Telephone Company of California. (KMW63). Correct to read C.P. to change frequencies 6135H to 6034.2H toward Oregon Mtn., California, via Passive Reflector on azimuth 33°55'. (All other particulars same as reported in Public Notice #660, dated August 6, 1973.)

373–C1–P–74—Same. (KQF43). Correct to read C.P. to add frequencies: 4010H, 4090H MHz toward Flint, Michigan, on azimuth 183°20'; 4010V, 4090V MHz toward Saginaw, Michigan, on azimuth 323°43'. (All other particulars same as reported in Public Notice #661, dated August 13, 1973.)

[FR Doc.73–19027 Filed 9–7–73;8:45 am]

FEDERAL MARITIME COMMISSION

A. B. BARONE FORWARDING INC. AND C. H. POWELL CO., 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 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 1, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Alfred E. Powell, Vice President, C. H. Powell Company, Inc., One World Trade Center, Suite 1725, New York, New York 10048.

Agreement No. FP 74–3 is a cooperative working arrangement between A. B. Barone Forwarding, Inc. (Barone, FMC No. 995) of New Orleans, Louisiana, and C. H. Powell Co., Inc. (Powell, FMC No. 176) of New York. Under the terms of the agreement Barone will supervise the movement of export shipments from the Port of New Orleans which Powell has secured and documented. Powell will maintain a telephone on Barone's premises and advertise as having an office on the premises. Barone's compensation for managing the subject shipments will be an agreed upon forwarding fee. Ocean freight brokerage received on shipments subject to the arrangement will be divided by the parties. The agreement is exclusive on the part of Powell, but not on the part of Barone who may engage or be engaged by other forwarders under other agreements.

By Order of the Federal Maritime Commission.

Dated September 5, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73–19155 Filed 9–7–73;8:45 am]

F. J. HERBELIN FORWARDING CO., INC., AND C. H. POWELL CO., 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 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before Oct. 1, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)

and the statement should indicate that this has been done.

Notice of agreement filed by:

Alfred E. Powell, Vice President, C. H. Powell Company, Inc., One World Trade Center, Suite 1725, New York, New York 10048.

Agreement No. FF 74–2 is a cooperative working arrangement between F. J. Herbelin Forwarding Co., Inc. (Herbelin, FMC No. 474), of Houston, Texas, and C. H. Powell Co., Inc. (Powell, FMC No. 176), of New York. Under the terms of the agreement Herbelin will supervise the movement of export shipments from the Ports of Houston and Galveston which Powell has secured and documented. Powell will maintain a telephone on Herbelin's Houston and Galveston premises and advertise as having offices on the premises. Herbelin's compensation for managing the subject shipments will be an agreed upon forwarding fee. Ocean freight brokerage received on shipments subject to the arrangement will be divided by the parties. The agreement is exclusive on the part of Powell, but not on the part of Herbelin who may engage or be engaged by other forwarders under other agreements.

By order of the Federal Maritime Commission.

Dated September 5, 1973.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.73–19156 Filed 9–7–73;8:45 am]

FEDERAL RESERVE SYSTEM

UNITED PENN CORPORATION

Proposed Acquisition of Valley Consumer Discount Company

United Penn Corporation, Wilkes-Barre, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Valley Consumer Discount Company, Exeter, Pennsylvania. Notice of the application was published on July 20, 1973 in the Times-Leader-The Evening News-Wilkes-Barre Record, a newspaper circulated in Wilkes-Barre, Pennsylvania.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring and servicing loans and other extensions of credit including the sale of credit life and credit accident and health insurance. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 26, 1973.

Board of Governors of the Federal Reserve System, August 30, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–19113 Filed 9–7–73;8:45 am]

FEDERAL TRADE COMMISSION

Office of the Executive Director

STATEMENT OF ORGANIZATION

Notice is hereby given that the Statement of Organization published June 30, 1970 (35 FR 10627), as revised July 23, 1970 (35 FR 11827), March 13, 1971 (36 FR 4918), May 18 1971 (36 FR 9044), June 29, 1971 (36 FR 12254), August 18, 1971 (36 FR 15768), October 20, 1972 (37 FR 22658), January 24, 1973 (38 FR 2355), is revised to reflect the reorganization of the Office of the Executive Director by combining into one position the positions and functions of the Assistant Executive Director for Legal Coordination and the Assistant Executive Director for Field Management, to be titled the Assistant Executive Director for Regional Operations; and by transfering to the new Office of Assistant Executive Director for Regional Operations the activities of Federal-State liaison in the Bureau of Consumer Protection.

Section 10 is revised to read as follows:

SEC. 10. *Office of the Executive Director.*—The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the offices, bureaus, and staff of the Commission, and, in coordination with the Office of Policy Planning and Evaluation, resolves problems concerning priorities in case handling. Immediately under his direction are the Assistant Executive Director for Regional Operations, and the Assistant Executive Director for Administration.

(a) The Assistant Executive Director for Regional Operations functions as advisor and principal assistant to the Executive Director on all substantive legal matters pertaining to Commission programs; assists the Executive Director in planning, coordinating and reviewing the full range of antitrust and consumer protection functions performed by the operating bureaus and regional offices; acts for the Executive Director in all matters concerning supervision and line management of the regional offices, guiding and directing their activities in the fields of antitrust law, consumer protection and consumer education, including investigations, trial of cases and industry and consumer counseling; acts for the Executive Director in coordinating the legal case work of the Bureau of Consumer Protection, Bureau of Competition, Bureau of Economics and the regional offices; and provides guidance and counseling to Federal, State and local officials on antitrust as well as consumer protection matters.

(b) The Assistant Executive Director for Administration functions as staff advisor to the Executive Director in all aspects of administrative management; provides administrative policy guidance to agency management and provides general supervision to the programs of management analysis and organization, personnel, budget and finance, data processing, and administrative service activities; initiates and develops long-range plans to assure that the Commission acquires and effectively utilizes the manpower, financial resources, physical facilities and management tools necessary to accomplish its mission.

Section 16 is revised to read as follows:

Sec. 16. *Bureau of Consumer Protection.*—This bureau investigates, provides guidance and counseling to businessmen and consumers, and endeavors to secure voluntary compliance with the law in all matters involving acts or practices alleged to be deceptive, unfair to consumers or involving unsafe products within the scope of the Commission's jurisdiction; and, to the extent necessary, litigates and secures compliance with final orders in all such matters. It is also responsible for developing and administering a nationwide consumer education program designed to alert the public to deceptive trade practices.

Section 18(b)(12) is amended to change the address of the Philadelphia Field Station to read as follows:

Field Station: Federal Trade Commission, Room 9202, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.

By direction of the Commission dated June 19, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73–19114 Filed 9–7–73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

MATHIES COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20091, MATHIES COAL COMPANY, Mathies UG Mine, MESA ID No. 36 00963 0, Finleyville, Pennsylvania:

Section ID No. 027 (5 Butt—18 Face), Section ID No. 029 (11 Butt L—19½ Face), Section ID No. 032 (12 Butt L—19½ Face), Section ID No. 024 (8 Butt L—20 Face), Section ID No. 030 (7 Butt L—20 Face).

(2) ICP Docket No. 20095, PITTSBURGH COAL COMPANY, Montour No. 4 Mine, MESA ID No. 36 00966 0, Lawrence, Pennsylvania:

Section ID No. 025 (4 South), Section ID No. 027 (7 North), Section ID No. 030 (5 South), Section ID No. 032 (8 Face), Section ID No. 033 (16 Face).

(3) ICP Docket No. 20165, OLD BEN COAL CORPORATION, Mine No. 26, MESA ID No. 11 00590 0, Sesser, Illinois:

Section ID No. 002 (12th through 20th East South Cross Entry Group), Section ID No. 003 (1st through 11th East South Cross Entry Group), Section ID No. 003–2 (1st through 11th East South Cross Entry Group), Section ID No. 030 (7th, 8th, 9th S. Panel off 20th East South), Section ID No. 031 (34th, 35th, 36th N. Panel off 1st East South), Section ID No. 036 (10A, 10th, 11th, 12th S. Panel off 20th East South), Section ID No. 037 (13A, 13th, 14th, 15th S. Panel off 20th East South), Section ID No. 038 (10A, 10th, 11th, 12th N. Panel off 1B East North), Section ID No. 039 (37A, 37th, 38th, 39th S. Panel off 11th East South), Section ID No. 040 (1st, 2nd, 3rd, 3A N. Panel off 1B East North), Section ID No. 041 (37A, 37th, 38th, 39th N. Panel off 1st East South).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 5, 1973.

[FR Doc.73–19147 Filed 9–7–73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73–68)]

KENNEDY SPACE CENTER

Final Environmental Impact Statement; Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Kennedy Space Center, Amendment #1.

Comments on the draft Environmental Impact Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of November 25, 1972.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, Office of Management and Budget, Environmental Protection Agency, Atomic Energy Commission, Department of Defense, Department of Transportation, Department of Commerce, and the Department of Interior.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, Calif. 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Rd., Cleveland, Ohio 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G–11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A–213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, Calif. 91103.

(l) Wallops Station, NASA (Library Building, Room E–105), Wallops Island, Va. 23337.

Done at Washington, D.C. this 28th day of August 1973.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73–19115 Filed 9–7–73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PLANNING OFFICE PANEL

Notice of Meeting

SEPTEMBER 4, 1973.

Pursuant to Public Law, 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Planning Office Panel will take place in Washington, D.C., on September 14 and 15, 1973.

The purpose of the meeting is to review youthgrant applications that have been submitted to the Endowment for possible grant funding.

Based on section b (4) and (6) of 5 U.S.C. 522, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committeee Management Officer Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–19085 Filed 9–7–73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500–1]

COMPUSAMP, INC.

Order Suspending Trading

SEPTEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Compusamp, 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 10:00 a.m. (edt) September 4, 1973 through midnight (edt) September 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–19153 Filed 9–7–73;8:45 am]

[Rel. No. 7974, 812–3500]

IDS LIFE VARIABLE ANNUITY FUND A AND IDS LIFE INSURANCE CO.

Application for Order

SEPTEMBER 4, 1973.

Notice is hereby given that IDS Life Variable Annuity Fund A (Fund) and

IDS Life Insurance Company ("IDS Life") IDS Tower, Minneapolis, Minnesota 55402 (herein collectively referred to as Applicants) have filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicants from the provisions of section 22(d) of the Act to the extent described below. Fund A is an open-end diversified management investment company registered under the Act. IDS Life established Fund A on May 10, 1968, under Minnesota law as a separate account through which it will set aside and invest payments accruing from the sale of variable annuity contracts offered by IDS Life. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that they presently offer three types of individual variable annuity contracts: (1) installment purchase payment deferred annuity contracts; (2) single purchase payment deferred annuity contracts; and (3) single purchase payment immediate annuity contracts. All the contracts possess combination features; that is, purchase payments under the contracts may be allocated either to the purchase of a fixed or variable annuity, or both. Additionally, the deferred contracts contain transfer provisions whereby each contract year a contract owner may transfer accumulation values either to Fund A to provide variable benefits, or from Fund A to provide fixed dollar benefits. Applicants propose to offer an individual flexible purchase payment retirement annuity contract, based upon Fund A, which is designed for use in connection with retirement or deferred compensation plans adopted by an employer. The new individual retirement annuity contract will possess combination features and transfer privileges identical to those contained in the three individual annuity contracts presently being offered.

In connection with the sale of variable annuity contracts, charges are deducted from purchase payments to pay sales and administrative expenses. Applicants request exemptions from section 22(d) of the Act to the extent necessary to permit the following:

1. Applicants request an exemption to permit an investor to transfer accumulated values under the retirement annuity contract from the fixed dollar account to the variable account without the imposition of an additional sales and administrative charge. Applicants state that since sales and administrative charges assessed upon purchase payments under the contract are identical, irrespective of whether such payments are allocated to the fixed dollar account or the variable account, to deduct an additional sales and administrative charge from funds previously paid into the fixed dollar account incident to their transfer to the variable account would be inconsistent with the protection of investors. Applicants further state that to assess an additional sales and administrative charge upon such transfers is unjust since the effectuation of the transfer, unlike a sale, involves no sales effort and only minimal administrative expense. Applicants state that the transfer of accumulation values from the fixed to the variable accounts will be limited to one transfer each year per contract owner.

2. Applicants request an exemption to permit the usual decreasing sales and administrative charges on purchase of variable annuities to be assessed upon the basis of aggregate purchase payments received from an investor, irrespective of whether such payments are allocated to the fixed account, the variable account, or both. Applicants state that since sales and administrative charges are assessed on the basis of total purchase payments previously made, rather than at a single flat rate, the exemption is necessary if contract owners with purchase payments allocated to both the fixed dollar account and variable account are to be treated on an equal basis with contract owners who allocate payments to only one account.

3. Applicants request an exemption to permit the beneficiary of an annuitant to elect to have the proceeds payable upon the death of the annuitant, including those not derived from the variable account, applied to a variable annuity without the imposition of a sales and administrative charge. Applicants state that under the retirement annuity contract the dollar amount of their liability to a beneficiary is fixed at the date of death of the annuitant. Applicants propose to place and hold the amount of such liability allocable to an annuitant's variable account in the general account during the interim between the date of death of the annuitant and the exercise of an option by the beneficiary. Applicants state that if the beneficiary elects to receive a variable annuity, the sums necessary to effectuate the annuity will then be transferred from the general account to the variable account. Applicants propose to allow this transfer of funds to occur without the imposition of sales and administrative charges. Applicants state that since a sales and administrative charge has already been received from the annuitant prior to his death, there is no justification for imposing a duplicate sales and administrative charge when the beneficiary of an annuitant elects to transfer the funds to the variable account.

On January 25, 1971, the Commission issued an order (Act Rel. No. 6329) exempting Applicants' present individual annuity contracts from the requirements of Section 22(d) to allow Applicants to permit transfers and compute sales and administrative charges in the manner described herein. Applicants state they believe fairness demands that these benefits be afforded under the retirement annuity contracts also.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. The exemption is requested because these securities may be sold at an offering price which varies as described above.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 28, 1973, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the Rules and Regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-19160 Filed 9-7-73;8:45 am]

TARIFF COMMISSION

CRITERION FOOTWEAR, INC.

[TEA-W-207]

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Criterion Footwear, Inc., Brooklyn, New York, the United States Tariff Commission, on September 4, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agree-

ments, articles like or directly competitive with footwear for women and misses (of the types provided for in items 700.43, 700.45, 700.55 and 700.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued September 4, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-19136 Filed 9-7-73;8:45 am]

DON GUSTIN SHOE CO., INC.

[TEA-W-208]

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Don Gustin Shoe Co., Inc., Paterson, N.J., the United States Tariff Commission, on September 4, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.43, 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued September 4, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-19137 Filed 9-7-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, September 12, 1973, at 2025 M Street NW., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on September 7, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-19363 Filed 9-7-73;1:45 pm]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON MANPOWER AND EMPLOYMENT

Notice of Meeting

The BRAC Committee on Manpower and Employment will meet at 9:30 a.m., September 25, 1973, at 1515 Broadway, Room 3560, New York, New York. The agenda for the meeting is as follows:

1. Occupational Statistics: Survey of Training in Industry, Program of Projections of Employment for Localities, Survey of Employment by Occupation.

2. Improving area unemployment estimating procedures.

3. New data from the Current Population Survey—Information on "work schedules" being collected for first time in May 1973.

4. Economic and Manpower Projections for the Nation to 1985.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 4th day of September 1973.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.73-19128 Filed 9-7-73;8:45 am]

Office of the Secretary

[Secretary of Labor's Order No. 13-73]

ORGANIZATION AND FUNCTIONS

Changes in Organizational Terminology

1. *Purpose.*—This order prescribes a new generic term referring to the major organizational components of the Department. This order also prescribes new official titles for the regional heads of major organizational components.

2. *Background.*—For the past ten years the major organizational components of the Department have been referred to generically as "Administrations and Offices." This has led to confusion partly because one major component is officially a "Bureau" (the Bureau of Labor Statistics) and partly because of the widespread use of the designation "Office" at lower organizational levels.

A separate confusion of reference has existed in the field regions, where the titles for heads of major organizational components have varied from one component to another. The titles in use have included Regional Administrator, Regional Administrative Office, Regional Director, Regional Manager and Regional Solicitor.

3. *Organizational Designation.*—a. The major organizational components listed below shall hereafter be referred generically by the term "agencies" in all official documents and issuances. The term "Administrations and Offices" as a generic term is now obsolete.

b. The Agencies of the Department of Labor are as follows:

(1) Manpower Administration
(2) Labor-Management Services Administration
(3) Employment Standards Administration
(4) Occupational Safety and Health Administration
(5) Office of the Solicitor
(6) Bureau of Labor Statistics
(7) Office of the Assistant Secretary for Policy, Evaluation and Research
(8) Office of the Assistant Secretary for Administration
(9) Bureau of International Labor Affairs
(10) Office of Information, Publications and Reports

c. The above changes in generic terminology do not change existing official organizational names, structures or functions.

4. *Regional titles.*—a. Effective immediately, the regional heads of the following agencies of the Department: Manpower, Labor-Management Services, Employment Standards, Occupational

Safety and Health, Labor Statistics, Office of the Assistant Secretary for Administration, Office of Information, Publications and Reports, shall have the official title of "Assistant Regional Director for Manpower", "Assistant Regional Director for Labor-Management Services", "Assistant Regional Director for Employment Standards", "Assistant Regional Director for Occupational Safety and Health", "Assistant Regional Director for Labor Statistics", "Assistant Regional Director for Administration and Management", "Assistant Regional Director for Program Review and Audit", "Assistant Regional Director for Information, Publications and Reports".

b. The regional heads of the Women's Bureau shall henceforth have the official title, "Associate Assistant Regional Director, Women's Bureau/ESA".

c. The regional heads of the Office of Federal Contract Compliance shall henceforth have the official title, "Associate Assistant Regional Director, Office of Federal Contract Compliance/ESA".

d. The regional heads of the Bureau of Apprenticeship and Training shall henceforth have the official title of "Associate Assistant Regional Director, Bureau of Apprenticeship and Training/MA".

e. The various official titles currently in use for the above regional heads are now obsolete.

f. The above changes in terminology do not change existing responsibilities, authorities, or administrative relationships.

5. *Directive affected.*—All directives of the Department which conflict with the foregoing designations of official terminology are modified to the extent of the conflict.

6. *Implementation.*—Use is to be made of the new terminology in all Department documents and issuances originating after distribution of this Order. Preexisting documents and issuances shall be amended to reflect the new terminology in the course of normal updating and maintenance.

7. *Effective date.*—This order is effective June 11, 1973.

Signed at Washington, D.C., this 11th day of June 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-19127 Filed 9-7-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 337]

ASSIGNMENT OF HEARINGS

SEPTEMBER 5, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7777, Allied Van Lines, Inc.—Investigation and Revocation of Certificates—now as ...ned October 9, 1973, MC 105045 Sub 40, R. L. Jeffries Trucking Co., Inc., now assigned October 15, 1973, MC 22278 Sub 43, Takin Bros. Freight Line, Inc., now assigned October 16, 1973, MC 107012 Sub 179, North American Van Lines, Inc., now assigned October 17, 1973, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dear...orn Street.

MC 124692 Sub 113, Sammons Trucking, now being assigned hearing October 2, 1973 (1 day), will be held in the U.S. Customs Court Room 1057, 909 First Avenue, Seattle, Washington.

MC 99284 Sub 6, Sullivan's Motor Delivery, Inc., now being assigned continued hearings October 15, 1973 (3 days), at Chicago, Illinois, October 18, 1973 (2 days), at Milwaukee, Wisconsin, in hearing rooms to be later designated.

MC-C-8048, Forlow Travel Bureau, Inc. v. Mrs. Leland (Romine) Hostetler And Mrs. Hugh (Orpha) Easterday, D.B.A. Wana-Go Club, Et Al., now assigned September 25, 1973, at Chicago, Ill., is postponed indefinitely.

MC-56679 Sub 66, Brown Transport Corp., now being assigned hearing December 3, 1973 (2 weeks), at Jacksonville, Fla., in a hearing room to be later designated.

MC-136230, Interstate Warehousing Corporation, now being assigned hearing December 3, 1973 (2 weeks), at Jacksonville, Fla., in a hearing room to be later designated.

MC-136155 Sub 2, Gay Trucking Co., Inc., now being assigned hearing December 3, 1973 (2 weeks), at Jacksonville, Fla., in a hearing room to be later designated.

MC-136285 Sub 3, Southern Intermodal Logistics, Inc., now being assigned hearing December 3, 1973 (2 weeks), at Jacksonville, Fla., in a hearing room to be later designated.

MC 107496 Sub 827, Ruan Transport Corp., MC 108449 Sub 334, Indianhead Truck Line, Inc., MC 124078 Sub 510, Schwerman Trucking Co., and MC 124813 Sub 96, Umthun Trucking Co., now being assigned continued hearing October 23, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 71459 Sub 31, O.N.C. Freight Systems, now being assigned continued hearing October 9, 1973, at Salt Lake City, Utah, in a hearing room to be later designated.

MC 66121 Sub 28, IndianBow Truck Lines, Ltd., now being assigned hearing October 29, 1973 (1 wk.), at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-19174 Filed 9-7-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 5, 1973.

An application as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

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.

FSA No. 42740—*Boards or Sheets to Paducah, Kentucky.* Filed by Southwestern Freight Bureau, Agent (No. B-433), for interested rail carriers. Rates on boards or sheets, in carloads, as described in the application, from points in southwestern territory, to Paducah, Kentucky.

Grounds for relief—Rate relationship.

Tariff—Supplement 37 to Southwestern Freight Bureau, Agent, tariff SW/W-2006-J, I.C.C. No. 5056. Rates are published to become effective on October 2, 1973.

FSA No. 42741—*Ethylene to Philadelphia, Pa.* Filed by Southwestern Freight Bureau, Agent (No. B-436), for interested rail carriers. Rates on ethylene, in tank-car loads, as described in the application, from specified points in Texas, to Philadelphia, Pa.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, Agent, tariff 12-H, I.C.C. No. 5043. Rates are published to become effective on October 2, 1973.

FSA No. 42742—*Grain to Chicago, Illinois.* Filed by Louisville and Nashville Railroad Company (No. 2), for interested rail carriers. Rates on grain, viz: barley, corn, oats, rye, and wheat, in box cars, as described in the application, from L&N RR stations Monon through Dyer, Indiana, to Chicago, Illinois.

Grounds for relief—Motor-truck competition.

Tariff—Louisville and Nashville Railroad Company tariff 520, I.C.C. No. 48 (Monon Series). Rates are published to become effective on October 3, 1973.

FSA No. 42743—*Compressed Gases (Sulphur Dioxide) from Tacoma, Washington.* Filed by Trans-Continental Freight Bureau, Agent (No. 485), for interested rail carriers. Rates on gases, compressed, viz: Sulphur Dioxide, in tank-car loads, as described in the application, from Tacoma, Washington, to Leeds, S.C., and Le Moyne, Alabama.

Grounds for relief—Water competition.

Tariff—Supplement 59 to Trans-Continental Freight Bureau, Agent, tariff 2-K, I.C.C. No. 1852. Rates are published to become effective on October 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-19172 Filed 9-7-73;8:45 am]

[Notice 120]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 31, 1973.

The following are notices of filing of application, except as otherwise specifi-

cally noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 244 TA), filed August 22, 1973. Applicant: RYDER TRUCK LINES, INC., Mlg.: P.O. Box 2408, Off.: 2050 Kings Road, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1)(a) between Memphis, Tenn., and Fort Worth, Tex.; from Memphis over U.S. Highway 70 to Little Rock, Ark., thence over U.S. Highway 67 to Dallas, Tex., and thence over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; and (b) between Memphis, Tenn., and Fort Worth, Tex.; from Memphis over Interstate Highway 40 to its junction with Interstate Highway 30, thence over Interstate Highway 30 to its junction with Interstate Highway 20, and thence over Interstate Highway 20 (and the Dallas-Fort Worth Turnpike) to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (2)(a) between Shreveport, La., and Fort Worth, Tex.; from Shreveport over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; and (b) between Shreveport, La., and Fort Worth, Tex.; from Shreveport over Interstate Highway 20 (and the Dallas-Fort Worth Turnpike) to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (3)(a) between Houston, Tex. and Fort Worth, Tex.; from Houston over U.S. Highway 75 to Dallas, Tex., thence over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; and (b) between Houston, Tex., and Fort Worth, Tex.; from Houston over Interstate Highway 45 to Dallas, Tex., thence over Interstate Highway 20 (and the Dallas-Fort Worth Turnpike) to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; and (4) serving all points within the respective commerce zones of Dallas and Fort Worth, and also serving the following points as off-route points in connection with Routes 1, 2, and 3 above: (Also their commercial zones) Addison, Aledo, Alvarado, Allen, Arlington, Azle, Balch Springs, Bedford, Benbrook, Blue Mound, Boyd, Briar Oaks, Bristol, Britton, Burleson, Carrollton, Carswell A.F.B., Cedar Hill, Chisholm, Cleburne, Cockrell Hill, Colleyville, Copeville, Coppell, Crandall, Cresson, Crowley, Dalworthington Gardens, DeSoto, Duncanville, Egan, Edgecliff Village, Euless, Everman, Fate, Falt, Farmers Branch, Ferris, Flower Mound, Forest Hills, Forney, Frisco, Garland, Godley, Grand Prairie, Grapevine, Halton City, Haslet, Heath, Hebron, Hickory Creek, Highland Park, Highland Village, Hurst, Hutchins, Irving, Joshua, Justin, Keene, Keller, Kennedale, Kleburg, Lake Dallas, Lake Worth Village, Lancaster, Lavon, Lawrence, Lewisville, Lillian, Lisbon, Mansfield, McKinney, Mesquite, Midlothian, Murphy, Nevada, Newark, North Richmond Hills, Ovilla, Palmer, Pantego, Parker, Plano, Princeton, Prosper, Red Oak, Renner, Rhome, Richardson, Richland Hills, River Oaks, Roanoke, Rockwall, Rowlett, Royse City, Sachse, Saginaw, Sansom Park, Seagoville, Smithfield, South Lake, Springtown, Terrell, Trumbull, Venus, Watauga, Waxahachie, Weatherford, Westlake, Westover Hills, Westworth Village, White Settlement, Wilmer, and Wylie, for 180 days.

RESTRICTIONS: Restricted against the transportation of traffic moving between Fort Worth and Dallas, Tex., and all points listed in (4) above, on the one hand, and, on the other, all points in Texas which the applicant is presently authorized to serve when: (a) such traffic is moving locally; or (b) such traffic has been interlined to applicant at a point in Texas it is presently authorized to serve and is destined to Fort Worth, Tex., or a point listed in (4) above, or (c) such traffic has been interlined to applicant at Fort Worth, Dallas, or a point listed in (4) above, and is destined to a point in Texas, applicant is presently authorized to serve. SUPPORTING SHIPPERS: There are approximately 587 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla.

NOTE.—Applicant intends to tack with MC 2900 and subs and also intends to interlined at Dallas, Fort Worth, and all points listed in (3)(b) in the application.

No. MC 11722 (Sub-No. 37 TA), filed August 23, 1973. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* in packages, bags or tote bins, from Toppenish, Sunnyside, and Moses Lake, Wash., to points in Oregon, for 180 days. SUPPORTING SHIPPER: Utah & Idaho Sugar Company, Salt Lake City, Utah 84118. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 SW. Pine, Portland, Oreg. 97204.

No. MC 82492 (Sub-No. 85 TA), filed August 24, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Madison Foods, Inc., at Madison, Nebr., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio for 180 days. Supporting shipper: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 103993 (Sub-No. 776 TA), filed August 24, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular motel units*, from Charlotte, N.C., to points at or near Fredericksburg, Va., for 180 days. Supporting shipper: Modular Corporation of America, P.O. Box 2756, 501 Atlando Avenue, Charlotte, N.C. 28201. Send protests to: J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 656 TA), filed August 23, 1973. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, flashings, and related products*, from the facilities of Charlotte Pipe and Foundry, Plastics Division, located at or near Bakers Community (Union County), N.C., to points in Florida, New Mexico, Texas, Wisconsin, and Oklahoma, for

180 days. Supporting shipper: John V. Chaney, Operations Manager, Charlotte Pipe and Foundry, Plastics Division, P.O. Box 991, Bakers, N.C. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 113908 (Sub-No. 284 TA), filed August 23, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice, fruit juice concentrate and beverage base*, in bulk, in tank and hopper vehicles, from Chicago, Ill., to Bridgeton, N.J., for 180 days. SUPPORTING SHIPPER: Golden Crown Citrus Corp., 2113 Green Leaf Street, Evanston, Ill. 60202. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114896 (Sub-No. 9 TA), filed August 23, 1973. Applicant: PUROLATOR SECURITY INC., 1341 W. Mockingbird Lane, Suite 1101 E. Mockingbird Towers, Dallas, Tex. 75202. Applicant's representative: William E. Fullingim, 1341 W. Mockingbird Lane, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *United States bonds*, between points in the United States (except Alaska and Hawaii), for 90 days. SUPPORTING SHIPPER: General Services Administration, Federal Supply Service, Building 4 Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119630 (Sub-No. 12 TA), filed August 24, 1973. Applicant: VAN TASSEL, INCORPORATED, 5th and Grand, Pittsburg, Kans. 66762. Applicant's representatives: Dykeman and Williamson, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from St. Louis, Mo., to points in Colorado, Illinois, Iowa, Kansas, Nebraska and Oklahoma, for 180 days. SUPPORTING SHIPPER: Greenstreak Pipe Products, P.O. Box 7139, St. Louis, Mo. 63177. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 124328 (Sub-No. 57 TA), filed August 23, 1973. Applicant: BRINK'S, INC., 234 E. 24th Street, Chicago, Ill. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 East River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bars*, from New York City, N.Y., to Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Michael A. Mason, Vice President, Peters & Company, 141 West Jackson Boulevard, Chicago, Ill. 60604. SEND PROTESTS TO: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124962 (Sub-No. 3 TA), filed August 20, 1973. Applicant: HARRIS O. SMESTAD, doing business as, H. O. SMESTAD, Gore Field, P.O. Box 299, Great Falls, Mont. 59401. Applicant's representative: G. Robert Crotty, Jr., Great Falls National Bank Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier, by motor* vehicle, over irregular routes, transporting: *Beer and carbonated beverages*, from Los Angeles, San Francisco, and Berkeley, Calif.; Seattle, Vancouver, and Yakima, Wash.; St. Louis, Mo.; and Phoenix, Ariz., to Great Falls, Mont. for 180 days. SUPPORTING SHIPPER: Devine & Asselstine, Inc., 124 2nd Avenue S., Great Falls, Mont. 59401. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 127196 (Sub-No. 14 TA), filed August 23, 1973. Applicant: KLINE TRUCKING, INC., R.D. #1, Millville, Pa. 17846. Applicant's representative: S. Berne Smith, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stainless steel milk holding, cooling and processing equipment and accessories;* (2) *materials, supplies and component parts* used in the manufacture and maintenance of the items in part (1); and (3) *advertising materials and displays* pertaining to the items in part (1), from Lake Mills, Wis., to Oak Brook, Ill., restricted to the transportation of shipments originating at Lake Mills, Wis., for 180 days.

NOTE.—Applicant intends, and specifically seeks authority, to tack the above authority at Oak Brook, Ill., with its existing authority at MC-127196, Sub 1, so as to transport the commodities indicated to all points in the United States (except Hawaii).

SUPPORTING SHIPPER: Babson Bros. Co., 2100 South York Street, Oak Brook, Ill. 60521. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 128030 (Sub-No. 47 TA), filed August 20, 1973. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, R.R. #1, Urbana, Ill. 61801. Applicant's representative: Robert Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, from the plantsite of Midland Glass Co., Terre Haute, Ind., to points in Illinois, Michigan and Wisconsin, for 180 days. SUPPORTING SHIPPER: James V. L. Jones, Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 129387 (Sub-No. 17 TA), filed August 22, 1973. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: George N. Manolis, 201 Farmers & Merchants Bank Bldg., Huron, S. Dak. 57350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packing houses* (except hides and commodities in bulk), from the plant site of Madison Foods, Incorporated, Madison, Nebr., to points in Washington, Oregon, California, Arizona, Nevada, North Dakota, South Dakota, Kansas, Kentucky, Virginia, West Virginia, Iowa, Missouri, Illinois, Ohio, Indiana, Michigan, Wisconsin, Minnesota, New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, Delaware, Rhode Island, and Maryland, for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077, Donald A. Chute, Manager, Transportation & Distribution. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133133 (Sub-No. 6 TA), filed August 17, 1973. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt products*, in bulk, in dump vehicles, from Cincinnati, Ohio, to the plant site of Kaiser Aluminum & Chemical Corporation, located near Mt. Alto, W. Va., for 180 days. SUPPORTING SHIPPER: Cargill, Incorporated, Cargill Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 133485 (Sub-No. 8 TA), filed August 24, 1973. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster St., Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street NW.; Washington, D.C. 20006. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stocks, bonds, securities, bullion, legal tender, monies, negotiable and non-negotiable instruments, stamps, precious metals, precious stones, jewelry, and rare objects*, between points in Rhode Island, in armored cars escorted by armed guards, for 180 days.

NOTE.—Applicant intends to tack with MC 133485; at Providence, R.I., for points in New York and New Jersey.

SUPPORTING SHIPPERS: McAlpine Refiners, 85 Ellenfield St., Providence, R.I. 02905; Podrat Coin Exchange, 769 Hope St., Providence, R.I. 02906; Rhode Island Hospital Trust National Bank, One Hospital Trust Plaza, Providence, R.I. 02903; and Industrial National Bank of Rhode Island, 111 Westminster St., Providence, R.I. 02903. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster St., Providence, R.I. 02903.

No. MC 133689 (Sub-No. 32 TA), filed August 20, 1973. Applicant: OVERLAND EXPRESS, INC., 651 1st Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: W. F. Hagerman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Western Potato Service, Inc., P.O. Box 518, Grand Forks, N. Dak. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133689 (Sub-No. 33 TA), filed August 24, 1973. Applicant: OVERLAND EXPRESS, INC., 651 1st Street SW., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Charles W. Singer, 33 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plant sites and storage facilities of Madison Foods, Inc. at or near Madison, Nebr., for 180 days. SUPPORTING SHIPPER: Armour and Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401

No. MC 133775 (Sub-No. 15 TA), filed August 22, 1973. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Street, Room 2015, Chicago, Ill. 60602, and Off.: Highway 60, Worthington, Minn. 56187. Applicant's representative: Patrick H. Smyth, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packing houses*, as defined in Sections A and C of Appendix I of the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by Madison Food Inc., at Madison, Nebr., to points in Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Donald A. Chute, Manager, Transportation & Distribution, Fresh Meats Division, Armour & Company, Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor Richard O. Chandler, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 134755 (Sub-No. 35 TA), filed August 13, 1973. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 W. 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from the plant site and warehouse facilities of Lee Tire and Rubber Company located at or near Conshohocken and Fraser, Pa., to Addison, Chicago and Danville, Ill.; Muncie, Ind.; Louisville, Ky.; Benton Harbor, Detroit, Grand Rapids, Muskegon and St. Clair Shores, Mich.; Bolivar, Bridgeton, Cape Girardeau, Kansas City, Raymore, Republic, St. Charles, St. Louis and Springfield, Mo.; Omaha, Nebr.; Ashland, East Liverpool, Toledo and Youngstown, Ohio; and Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Lee Tire & Rubber Co., East Hector Street, Conshohocken, Pa. 19428. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 135590 (Sub-No. 3 TA), filed August 22, 1973. Applicant: GOLD COAST TRUCKING & EXPRESS, INC., 278 SW. 32nd Court, Ft. Lauderdale, Fla. 33315. Applicant's representative: Richard B. Austin, 5255 NW. 87th Avenue, 214 Palm Coast II Building, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic supplies*, from, to, and between all points in Dade, Broward, and Palm Beach Counties, Fla., for 180 days. SUPPORTING SHIPPER: Eastman Kodak Company, 343 State Street, Rochester, N.Y. 14650. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 SW. 17th St., Room 105, Miami, Fla. 33155.

No. MC 135633 (Sub-No. 6 TA), filed May 30, 1973. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 2175 Lemoine Avenue, Ft. Lee, N.J. 07024. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service, from San Bernardino, Perris, Ontario, and Yuba City, Calif.; Decatur, Ind.; Marlette, Mich.; Lake Wales, Fla.; Cleburne, Tex.; and Mt. Angel, Oreg., to points in the United States, including Alaska (but excluding Hawaii), for 180 days. SUPPORTING SHIPPERS: (1) Perris Valley Camper Division, Guerdon Industries, Inc., P.O. Box 788, Perris, Calif. 92370 and (2) Wander Homes, Inc., Calypso Division, 2362 South Gardera St., San Bernardino, Calif. 92408. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad St., Newark, N.J. 07102.

No. MC 138415 (Sub-No. 5 TA), filed August 20, 1973. Applicant: TRAILER EXPRESS INC., P.O. Box 321, Topeka, Ind. 46571. Applicant's representative: Michael Yoder (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat parts*, from Syracuse, Ind., to all states in the United States and the District of Columbia (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Sea Nymph Division of Stanray Corp., 201 East Chicago St., Syracuse, Ind. SEND PROTESTS TO: W. S. Ennis, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 138763 (Sub-No. 1 TA), filed August 21, 1973. Applicant: WILLIAM C. SHAY, 108 Cook Street, Clarks Green, Pa. 18411. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and travel trailers*, from Wilkes Barre, Pa., to Richmond, Ky., restricted to shipments which originate at the United States Department of Housing and Urban Development staging area in Wilkes Barre, Pa., for 150 days. SUPPORTING SHIPPER: U.S. Depart-

ment of Housing and Urban Development, Pennsylvania Housing Recovery Office, 116 South Main Street, Wilkes Barre, Pa. 18701. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138939 (Sub-No. 1 TA), filed August 21, 1973. Applicant: ASPHALT PRODUCTS TRANPORT CO., INC., 635 West 18th Street, P.O. Box 5924, Tucson, Ariz. 85703. Applicant's representative: Garland E. Minter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual oil*, from El Paso, Tex., to points in Pima County, Ariz., for 180 days. SUPPORTING SHIPPER: Tucson Gas & Electric Company, 220 W. 6th Street, Tucson, Ariz. 85702. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 139009 TA, filed July 20, 1973. Applicant: W. O. MOORE & SONS, DIVISION OF CEDAR ROCK RANCH, INC., 6877 Main Street, Lithonia, Ga. 30058. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission and those injurious or contaminating to other lading), between Conyers, Covington, Lithonia and Stone Mountain, Ga., on the one hand, and, on the other, points in DeKalb, Gwinnett, Newton, Rockdale, and Walton Counties, Ga., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar-service, for 180 days. Supporting shippers: Tip Top Division of Atlanta, Consolidated Warehouse, 1951 Lithonia Industrial Blvd., Lithonia, Ga. 30058; Container Corp. of America, 5853 E. Ponce de Leon Ave., Stone Mountain, Ga. 30083; Lithonia Lighting, Div., National Service Industries, P.O. Box A, Conyers, Ga. 30207; Technicarbon Co., Inc., 858 Rockdale Industrial Blvd., Conyers, Ga. 30207 and Conyers Plant, C & D Batteries, Division of Eltra Corp., P.O. Box 577, Conyers, Ga. 30207. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St., NW., Room 309, Atlanta, Ga. 30309.

No. MC 139010 TA, filed August 21, 1973. Applicant: ARIZONA ENTERPRISES, 1918 West Grant Street, Phoenix, Ariz. 85009. Applicant's representative: Michael W. McLaughlin (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* as outlined in ICC reports in *Description of Motor Carrier Certificates*, Page 279–283, Appendix VI, from Phoenix, Tucson, Las Vegas, and Albuquerque, to, from and between points in Arizona, New Mexico, California, Nevada, Texas, Utah, Colorado, Oklahoma, Arkansas, Kansas, Missouri, Washington, Oregon, Idaho, and Wyoming, for 180 days. Supporting shipper: Roofing Wholesale Co. Inc., 1918 West Grant Street, Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 139013 TA, filed August 21, 1973. Applicant: O & W TRUCKING COMPANY, P.O. Box 520, Moorhead, Miss. 38761. Applicant's representative: Robert L. Crook, P.O. Box 85, Ruleville, Miss. 38771. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except in bulk), (1) from the Port of Greenville, Greenville, Miss., to the plant site of Medart Division, Jackes Evans Manufacturing Co., Greenwood, Miss.; (2) from Granite City, Ill.; Hazlew, Mo.; Memphis, Tenn.; Birmingham, Ala.; and Vicksburg, Miss., to the plant sites of Medart Division, Jackes Evans Manufacturing Co., Greenwood, Miss.; Quality Steel Corporation, Cleveland, Miss.; and Modern Line Products Company, Indianola, Miss.; and (3) between the plant site of Medart Division, Jackes Evans Manufacturing Company, Greenwood, Miss., and the plant site of Medart Division, Jackes Evans Manufacturing Co., St. Louis, Mo., for 180 days. SUPPORTING SHIPPERS: Modern Line Products Company, P.O. Box 110, Indianola, Miss. 38751; Medart Div., Jackes Evans Mfg. Co., P.O. Box 658, Greenwood, Miss. 38930; and Quality Steel Corporation, P.O. Box 249, Cleveland, Miss. 38732. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 139020 (Sub-No. 1 TA), filed August 20, 1973. Applicant: MONTGOMERY G. DUKES, Route 2, Eden, Md. 21822. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, animal care products and garden supplies*, (except in bulk, in tank vehicles), (1) from points in Maryland, Virginia, Pennsylvania, and the District of Columbia, to Delmar, Del. and (2) from Delmar, Del., to points in Maryland and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, and points in Delaware, restricted to a service to be performed under a continuing contract or contracts with Red-White Mills, Inc., for 180 days. SUPPORTING SHIPPER: Red-White Mills, Inc., P.O. Box 265, Delmar, Del. 19940. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue, NW., Washington, D.C. 24023.

MOTOR CARRIERS OF PASSENGERS

No. MC 138981 (Sub-No. 1 TA), filed August 17, 1973. Applicant: ANDREW F. REYMER, doing business as LANCASTER LIMOUSINE SERVICE, 228 East Main Street, Mount Joy, Pa. 17552. Applicant's representative: William A Chesnutt, 1225-19th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, between points in Lancaster County, Pa., on the one hand, and, on the other, Washington National and Dulles International Airports, at or near Washington, D.C.; Friendship International Airport, at or near Baltimore, Md.; Newark Airport, at or near Newark, N.J.; John F. Kennedy International and LaGuardia Airports, at or near New York, N.Y.; and the Port Authority docks at New York, N.Y.; and Baltimore, Md., for 90 days. RESTRICTION: Restricted to the transportation of persons having prior or subsequent transportation by air or water. SUPPORTING ORGANIZATIONS: McCormick Travel Agency, 218 N. Duke Street, Lancaster, Pa. 17602; The Lancaster Treadway Resort Inn, Route 30 and Oregon Pike, Lancaster, Pa. 17601 and Armstrong Cork Company, W. Liberty St., Lancaster, Pa. 17604; Windward Travel Center, Inc., 33 E. Orange St., Lancaster, Pa. 17602 and Globe-Trotter Travel Service, 216 E. King Street, Lancaster, Pa. 17602. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 139007 (Sub-No. 1 TA), filed August 21, 1973. Applicant: EXECUTIVE TRANSPORTATION SERVICE, INC., 4121 NW. 25th Street, Miami, Fla. 33142. Applicant's representative: Richard B. Austin, 8675 NW. 53rd Street, Koger Building, Suite 123, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* between Miami International Airport, Dade County, Fla.; Fort Lauderdale/Hollywood International Airport, Broward County, Fla.; Port Everglades, Broward County, Fla.; Dodge Island, Dade County, Fla.; and Miami Beach, Dade County, Fla., on the one hand, and Lion Country Safari, Palm Beach County, Fla.; Disney World and/or Sea World, Orange County, Fla.; Cypress Gardens, Polk County, Fla.; Cape Kennedy, Brevard County, Fla. and Busch Gardens, Hillsborough County, Fla., on the other hand, and from the named destination points back to the named origin points in common carriage

over irregular routes and irregular schedules, for 180 days. SUPPORTING SHIPPERS: (1) Flamingo Tours and Travel Agency, Inc., 111 NE. 2d Avenue, Suite 1114, Miami, Fla. 33132; (2) Jetways, Inc., 924 Biscayne Boulevard, Miami, Fla.; (3) American Tours, 245 SE. 1st Street, Miami, Fla. 33131; and (4) LIB/GO Travel, Inc. 633 Third Avenue, New York, N.Y. 10017. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 SW. 17th St., Room 105, Miami, Fla. 33155.

By the Commission.

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

[FR Doc.73-19173 Filed 9-7-73;8:45 am]

[Notice 347]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 5, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74714. By application filed August 29, 1973, MOORE TRANSPORTATION CO., INC. (joined by DON MOORE, doing business as MOORE TRANSPORTATION COMPANY), 3509 N. Grove St., Fort Worth, Tex. 76106, seeks temporary authority to lease the operating rights of DON PALMER, doing business as P & W TRANSPORT CO., also of Fort Worth, Tex. 76106, under section 210a(b). The transfer to MOORE TRANSPORTATION CO., INC. (joined by DON MOORE, doing business as MOORE TRANSPORTATION COMPANY), of the operating rights of DON PALMER, doing business as P & W TRANSPORT CO., is presently pending.

By the Commission.

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

[FR Doc.73-19170 Filed 9-7-73;8:45 am]

[Notice 348]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 5, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74549. By application filed August 29, 1973, EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 1059, Harrisonburg, Va. 22801, seeks temporary authority to lease a portion of the operating rights of SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401, under section 210a(b). The transfer to EASTERN REFRIGERATED TRANSPORT, INC., of the operating rights of SMITH'S TRANSFER CORPORATION, is presently pending.

By the Commission.

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

[FR Doc.73-19171 Filed 9-7-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR — Page

CFR checklist ... 23771

3 CFR

PROCLAMATIONS:

4239 ... 24191
4240 ... 24193

4 CFR

400 ... 24195
405 ... 24195

PROPOSED RULES:

331 ... 23971
351 ... 23971
400 ... 23971
401 ... 23971
402 ... 23971
403 ... 23971
404 ... 23971

5 CFR

213 ... 24344

6 CFR

130 ... 24213
140 ... 24214
150 ... 23794, 23931, 24214
152 ... 23794, 24214, 24667

PROPOSED RULES:

152 ... 23806, 24219

7 CFR

2 ... 24633
51 ... 23931
52 ... 24344
250 ... 24633
354 ... 23934
725 ... 23935
908 ... 24215
910 ... 24345
928 ... 24345
932 ... 24215
991 ... 23771
1001 ... 24216
1002 ... 24216
1004 ... 24216
1006 ... 24216
1007 ... 24216
1011 ... 24216
1012 ... 24216
1013 ... 24216
1015 ... 24216
1030 ... 24216
1033 ... 24216
1036 ... 24216
1040 ... 24216
1044 ... 24216
1046 ... 24216
1049 ... 24216
1050 ... 24216
1060 ... 24216
1061 ... 24216
1062 ... 24216
1063 ... 24216
1064 ... 24216
1065 ... 24216
1068 ... 24216
1069 ... 24216
1070 ... 24216
1071 ... 24216
1073 ... 24216

7 CFR—Continued — Page

1075 ... 24216
1076 ... 24216
1078 ... 24216
1079 ... 24216
1090 ... 24216
1094 ... 24216
1096 ... 24216
1097 ... 24216
1098 ... 24216
1099 ... 24216
1101 ... 24216
1102 ... 24216
1106 ... 24216
1108 ... 24216
1120 ... 24216
1121 ... 24216
1124 ... 24216
1125 ... 24216
1126 ... 24216
1127 ... 24216
1128 ... 24216
1129 ... 24216
1130 ... 24216
1131 ... 24216
1132 ... 24216
1133 ... 24216
1134 ... 24216
1136 ... 24216
1137 ... 24216
1138 ... 24216
1139 ... 24216
1421 ... 23935, 24634
1430 ... 23939
1866 ... 24346

PROPOSED RULES:

26 ... 23955
52 ... 24654
1030 ... 23796
1073 ... 24654
1701 ... 24660

9 CFR

73 ... 24346
82 ... 23940
97 ... 23940
319 ... 24640

PROPOSED RULES:

94 ... 24219
102 ... 23957
104 ... 23957
381 ... 24374

10 CFR

110 ... 23953

12 CFR

201 ... 23772
526 ... 23940
545 ... 24200
546 ... 24201
563 ... 24202

PROPOSED RULES:

545 ... 24228

13 CFR

PROPOSED RULES:

107 ... 24028

14 CFR — Page

39 ... 23941, 24347, 24349, 24640, 24641
71 ... 23941, 23942, 24204, 24350, 24641
75 ... 24204
97 ... 24350
208 ... 24642
241 ... 24351
288 ... 23772
399 ... 23777, 24642

PROPOSED RULES:

39 ... 23962
61 ... 23962
71 ... 23804, 23969, 24222
75 ... 23804
121 ... 23962
Ch. II ... 24660
221 ... 23804
241 ... 24223, 24661
298 ... 23805, 24662
372a ... 24664
389 ... 24662

16 CFR

13 ... 24352, 24353, 24634

15 CFR

8 ... 23777
376 ... 23777

17 CFR

211 ... 24635
231 ... 24635
241 ... 24635
251 ... 24635
271 ... 24635

PROPOSED RULES:

230 ... 24668

19 CFR

1 ... 24354
4 ... 24354

PROPOSED RULES:

1 ... 24374
24 ... 23954
141 ... 23954

20 CFR

PROPOSED RULES:

405 ... 23802

21 CFR

8 ... 24643
9 ... 24206
121 ... 24354, 24643
135 ... 23942
135b ... 24355, 24643
135c ... 24355, 24644

PROPOSED RULES:

121 ... 24374, 24375
130 ... 24220

23 CFR

PROPOSED RULES:

770 ... 23969

24 CFR

203 ... 24637
205 ... 24637
207 ... 24637

24 CFR—Continued Page
213 ... 24637
220 ... 24637
221 ... 24637
232 ... 24637
234 ... 24637
235 ... 24638
236 ... 24638
241 ... 24638
242 ... 24638
244 ... 24638
1700 ... 23866
1710 ... 23866
1715 ... 23873
1720 ... 23874
1914 ... 23943–23945, 24355–24357
1915 ... 24358, 24360
PROPOSED RULES:
20 ... 24222
201 ... 23803

25 CFR
141 ... 24638
256 ... 23945
PROPOSED RULES:
221 ... 23954, 23955

26 CFR
1 ... 24206

29 CFR Page
1953 ... 24361
PROPOSED RULES:
1910 ... 24300, 24375

30 CFR
57 ... 23781
PROPOSED RULES:
504 ... 24024

31 CFR
315 ... 24762

32 CFR Page
809 ... 23945
1285 ... 24206
1453 ... 24210

32A CFR
Ch. XIII:
EPO Reg. 3 ... 23977

33 CFR
401 ... 24210
PROPOSED RULES:
127 ... 23804

36 CFR
50 ... 24218
221 ... 23948
PROPOSED RULES:
7 ... 23796

38 CFR
1 ... 24364
2 ... 24366
17 ... 24366
21 ... 23948

40 CFR
35 ... 24639
52 ... 24333
129 ... 24342
PROPOSED RULES:
180 ... 23781, 24639
52 ... 23805
180 ... 23806
411 ... 24462
412 ... 24466
422 ... 24470

41 CFR
1–1 ... 24210
1–9 ... 23782
1–18 ... 23791
3–16 ... 24644
114–50 ... 24649

43 CFR
4 ... 23948
3830 ... 24650
4710 ... 24650

45 CFR Page
PROPOSED RULES:
221 ... 24872
233 ... 23802
903 ... 23912

46 CFR
PROPOSED RULES:
146 ... 23959
542 ... 23979
538 ... 24228

47 CFR
73 ... 24367
81 ... 24211
83 ... 24368
97 ... 24211

49 CFR
170 ... 23791
171 ... 23792
172 ... 23792
177 ... 23792
178 ... 23792
570 ... 23949
1033 ... 23792, 23793, 23952, 24212
1048 ... 24368
1115 ... 23953
PROPOSED RULES:
393 ... 24223
542 ... 23979
571 ... 23804
1057 ... 24228
1131 ... 23979

50 CFR
20 ... 23793
32 ... 23793, 23794, 24212, 24369–24373, 24650–24652
PROPOSED RULES:
21 ... 23796

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
23765–23922	Sept. 4
23923–24184	5
24185–24326	6
24327–24625	7
24627–24874	10

federal register

MONDAY, SEPTEMBER 10, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 174

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service

■

REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

The regulations in 31 CFR, Part 315 have been revised and amended for the purpose of incorporating in a single, updated document all prior amendments thereof, as well as all relevant changes heretofore made in the offering circulars for Series E and Series H savings bonds (31 CFR, Parts 316 and 332, respectively).

Notice and public procedures are unnecessary and are dispensed with as the fiscal policy of the United States is involved and as the revision is largely declaratory of revisions and amendments of the offering circulars heretofore published in the FEDERAL REGISTER. The changes were effected under authority of section 22 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); section 8 of the Act of July 8, 1937, as amended, 50 Stat. 481, as amended (31 U.S.C. 738a); and 5 U.S.C. 301.

Dated September 5, 1973.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

Department of the Treasury Circular No. 530, Ninth Revision, dated December 23, 1964, as amended (31 CFR, Part 315), is hereby further amended and issued as the Tenth Revision, effective September 5, 1973.

Subpart A—General Information

Sec.
315.0 Applicability of regulations.
315.1 Official agencies.
315.2 Definition of words and terms as used in these regulations.

Subpart B—Registration

315.5 General.
315.6 Restrictions on registration.
315.7 Authorized forms of registration.
315.8 Unauthorized registration.

Subpart C—Limitation on Holdings

315.10 Amounts which may be held.
315.11 Computation of amount.
315.12 Disposition of excess.

Subpart D—Limitations on Transfer or Pledge

315.15 Limitation on transfer or pledge.
315.16 Pledge under Department Circulars No. 154 and Public Debt Series No. 4–67.

Subpart E—Limitation on Judicial Proceedings—No Stoppage or Caveats Permitted

315.20 General.
315.21 Payment to judgment creditors.
315.22 Payment or reissue pursuant to judgment.
315.23 Evidence necessary.

Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

315.25 After receipt by owner or his representative.
315.26 Procedure to be followed.
315.27 Nonreceipt of bond.
315.28 Recovery or receipt of bond reported lost, stolen, destroyed or not received.

Subpart G—Interest

Sec.
315.30 General.
315.31 Series E bonds.
315.32 Series H bonds.

Subpart H—General Provisions for Payment and Redemption

315.35 Payment or redemption.
315.36 Withdrawal of request for redemption.
315.37 Requests for payment.
315.38 Presentation and surrender.
315.39 Partial redemption.
315.40 Nonreceipt or loss of check issued in payment.

Subpart I—Certifying Officers

315.42 Persons who may certify.
315.43 General instructions to certifying officers.
315.44 Interested person not to certify.

Subpart J—Reissue and Denominational Exchange

315.45 General.
315.46 Requests for reissue.
315.47 Effective date.
315.48 Correction of errors.
315.49 Change of name.

Subpart K—Minors, Incompetents, Aged Persons, Absentees, Etc.

315.50 Payment to representative of estate.
315.51 Payment to minors.
315.52 Payment to a parent or other person on behalf of a minor.
315.53 Payment or reinvestment upon request of voluntary guardian or incompetent.
315.54 Reissue.

Subpart L—Natural Person as Sole Owner

315.55 Payment.
315.56 Reissue for certain purposes.

Subpart M—Two Natural Persons as Coowners

315.60 Payment during the lives of both coowners.
315.61 Reissue during the lives of both coowners.
315.62 After the death of one or both coowners.
315.63 Upon death of both coowners in a common disaster, etc.

Subpart N—Two Natural Persons as Owner and Beneficiary

315.65 Payment during the lifetime of the registered owner.
315.66 Reissue during the lifetime of the registered owner.
315.67 After the death of the registered owner.

Subpart O—Deceased Owners

315.70 General.
315.71 Special provisions applicable to small amounts of savings bonds, interest checks, or redemption checks.
315.72 Estates administered.
315.73 Estates not administered.

Subpart P—Fiduciaries

315.75 Payment.
315.76 Reissue.
315.77 Requests for reissue or payment prior to maturity or extended maturity.
315.78 Requests for payment at or after maturity.

Subpart Q—Private Organizations (Corporations, Associations, Partnerships, Etc.) and Governmental Agencies, Units and Officers

315.80 Payment to corporations or unincorporated associations.
315.81 Payment to partnerships.
315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.
315.83 Reissue or payment on dissolution of corporation or partnership.
315.84 Payment to institutions (churches, hospitals, homes, schools, etc.).
315.85 Reissue in name of trustee or agent for reinvestment purposes.
315.86 Reissue upon termination of investment agency.
315.87 Payment to governmental agencies and units.
315.88 Payment to government officers.

Subpart R—Miscellaneous Provisions

315.90 Waiver of regulations.
315.91 Additional requirements; bond of indemnity; social security numbers.
315.92 Preservations of rights.
315.93 Supplements, amendments, or revisions.

AUTHORITY.—Sec. 22 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); sec. 8 of the Act of July 8, 1937, as amended, 50 Stat. 481, as amended (31 U.S.C. 738a); and (5 U.S.C. 301).

Subpart A—General Information

§ 315.0 Applicability of regulations.

These regulations apply to all United States Savings Bonds of whatever series designation, bearing any issue dates whatever, to the extent specified herein and in the offering circulars governing such bonds. The provisions of these regulations with respect to bonds registered in the names of certain classes of individuals, fiduciaries, and organizations are equally applicable to bonds to which such individuals, fiduciaries, and organizations are otherwise shown to be entitled under these regulations. United States Savings Notes, issued under authority of sections 18 and 20 of the Second Liberty Bond Act, as amended (31 U.S.C. 753 and 754b), and offered in Department Circular, Public Debt Series No. 3–67 (31 CFR, Part 342), are also governed by these regulations, subject to the provisions of the offering circular. The term "savings bonds" or "bonds," as used in these regulations, refers to United States Savings Bonds and, as applicable, to United States Savings Notes. The provisions of Department Circular No. 300, current revision (31 CFR, Part 306), have no application to the securities governed by these regulations.

§ 315.1 Official agencies.

The Bureau of the Public Debt of the Department of the Treasury is charged with matters relating to savings bonds. Correspondence concerning transactions after original issue and requests for appropriate forms should be addressed to (a) the Federal Reserve Bank or Branch of the District in which the correspondent is located, or (b) the Bureau of the Public Debt, 536 South Clark Street, Chicago, Illinois 60605, or (c) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222, except where specific instructions are otherwise given in these regulations. Notices or documents not filed in accordance with instructions in these regulations will not be recognized. The addresses of the Federal Reserve Banks and Branches are:

Federal Reserve Bank of Boston, Boston, Massachusetts 02106.
Federal Reserve Bank of New York, New York, New York 10045. Buffalo Branch, Buffalo, New York 14240.
Federal Reserve Bank of Philadelphia, Philadelphia, Pennsylvania 19101.
Federal Reserve Bank of Cleveland, Cleveland, Ohio 44101. Cincinnati Branch, Cincinnati, Ohio 45201. Pittsburgh Branch, Pittsburgh, Pennsylvania 15230.
Federal Reserve Bank of Richmond, Richmond, Virginia 23261. Baltimore Branch, Baltimore, Maryland 21203.
Charlotte Branch, Charlotte, North Carolina 28201.
Federal Reserve Bank of Atlanta, Atlanta, Georgia 30303.
Birmingham Branch, Birmingham, Alabama 35202.
Jacksonville Branch, Jacksonville, Florida 32203.
Nashville Branch, Nashville, Tennessee 37203.
New Orleans Branch, New Orleans, Louisiana 70160.
Federal Reserve Bank of Chicago, P.O. Box 834, Chicago, Illinois 60690.
Detroit Branch, P.O. Box 1059, Detroit, Michigan 48231.
Federal Reserve Bank of St. Louis, P.O. Box 442, St. Louis, Missouri 63166.
Little Rock Branch, P.O. Box 1261, Little Rock, Arkansas 72203.
Louisville Branch, P.O. Box 899, Louisville, Kentucky 40201.
Memphis Branch, P.O. Box 407, Memphis, Tennessee 38101.
Federal Reserve Bank of Minneapolis, Minneapolis, Minnesota 55480.
Helena Branch, Helena, Montana 59601.
Federal Reserve Bank of Kansas City, Kansas City, Missouri 64198.
Denver Branch, Denver, Colorado 80217.
Oklahoma City Branch, Oklahoma City, Oklahoma 73125.
Omaha Branch, Omaha, Nebraska 68102.
Federal Reserve Bank of Dallas, Station K, Dallas, Texas 75222.
El Paso Branch, P.O. Box 100, El Paso, Texas 79999.
Houston Branch, P.O. Box 2578, Houston, Texas 77001.
San Antonio Branch, P.O. Box 1471, San Antonio, Texas 78295.
Federal Reserve Bank of San Francisco, San Francisco, California 94120.
Los Angeles Branch, P.O. Box 2077, Los Angeles, California 90051.
Portland Branch, P.O. Box 3436, Portland, Oregon 97208.
Salt Lake City Branch, P.O. Box 780, Salt Lake City, Utah 84110.
Seattle Branch, P.O. Box 3567, Seattle, Washington 98124.

§ 315.2 Definition of words and terms as used in these regulations.

(a) "Authorized issuing agent" means an incorporated bank, trust company, savings bank, savings and loan association, other organization, or agency of the United States, qualified as an issuing agent under the provisions of Department Circular, Public Debt Series No. 4–67 (31 CFR, Part 317).

(b) "Authorized paying agent" means an incorporated bank, trust company, savings bank, savings and loan association, or other financial institution qualified as a paying agent under the provisions of Department Circular No. 750, current revision (31 CFR, Part 321).

(c) "Court" means a court having jurisdiction over the parties and subject matter.

(d) "Extended maturity date" is the date on which a bond will mature and cease to bear interest under applicable extended maturity provisions.

(e) "Extended maturity period"[1] means any period after original during which the owner may retain the bonds and continue to earn interest on the maturity value or extended maturity value under applicable extended maturity provisions of the circular offering such bonds for sale.

(f) "Extended maturity value" is the value of a bond at the end of the applicable extended maturity period.

(g) "Face amount" of a bond refers to the value of the bond as shown on the face thereof.

(h) "Incompetent" refers to a person under any legal disability except minority.

(i) "Maturity date" means the date on which the bond will mature by the terms of the circular offering it for sale without regard to any extended maturity period.

(j) "Payment" and "redemption" are used interchangeably, unless otherwise indicated. They refer to payment of a bond in accordance with these regulations.

(k) "Personal trust estate" means a trust estate established by natural persons in their own right for the benefit of themselves or other natural persons in whole or in part, and common trust funds comprised in whole or in part of such trust estates.

(l) "Presented and surrendered" and "presentation and surrender" mean the actual receipt of a bond, with an appropriate request for the particular transaction, by the Chicago, Parkersburg, or Washington Office of the Bureau of the Public Debt, the Office of the Treasurer of the United States, Securities Division, or a Federal Reserve Bank or Branch, or, if the transaction is one which an authorized paying agent may handle, receipt by such authorized paying agent.

(m) "Representative of the estate of a minor, incompetent, aged person, absentee, etc.," means a guardian, conservator, or similar representative appointed by a court or otherwise legally qualified, regardless of the title by which designated. These terms do not refer to a voluntary guardian recognized under § 315.53, to a natural guardian, such as a parent, including a parent to whom custody of a child has been awarded through divorce proceedings or a parent by adoption, or to the executor or administrator of the estate of a decedent.

(n) "Reissue" means the cancellation and retirement of a bond and issue of a new bond or bonds of the same series, amount (face amount) (or the remainder thereof in case of partial redemption), and issue date.

(o) "Social security number" means an individual's social security account number or an employer identification number. An individual's number is composed of nine digits separated by two hyphens, for example, 123–45–6789; the employer identification number is composed of nine digits separated by one hyphen, for example, 12–3456789. The hyphens are an essential part of the numbers and must be included.

[1] See Appendices to current revisions of Department Circulars No. 653 and No. 905 (31 CFR, Parts 316 and 332) concerning extensions and investment yields for Series E and Series H bonds, respectively. See Department Circular, Public Debt Series No. 3–67, Revised, as amended (31 CFR, Part 342), concerning the extension and investment yields for savings notes (Freedom Shares).

Subpart B—Registration

§ 315.5 General.

Savings bonds are issued only in registered form. The registration used on issue or reissue must express the actual ownership of an interest in the bond and, except as otherwise specifically provided in Subpart E and § 315.48 will be considered as conclusive of such ownership and interest. No designation of an attorney, agent, or other representative to request or receive payment on behalf of the owner or a coowner, or any restriction on the right of the owner or a coowner to receive payment of the bond or interest, except as provided in these regulations, may be made in the registration or otherwise. Registrations requested in applications for purchase or requests for reissue should be clear, accurate, and complete, conform with one of the forms set forth in this subpart, and include the social security number of the owner or first-named coowner.[2] However, if bonds are purchased as gifts, awards, prizes, or the like, and the social security number of the intended owner is not known, the purchaser's number must be furnished. In this event, the issuing agent will inscribe the word "GIFT" and the purchaser's number on the bond. Bonds so inscribed will not be associated with the purchaser's own holdings. The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the case of a fiduciary, the description of the fiduciary capacity. A natural person should be designated by the name by which he is ordinarily known or the one under which he does business, including preferably at least one full given name. The name of a natural person may be preceded by any applicable title, such as "Dr." or "Rev.," or followed by "M.D.," "D.D.," or other similar designation. "Sr." or "Jr.," or a similar suffix, should be included when ordinarily used or when necessary to distinguish the owner from a member of his family. If a woman is named as either second coowner or beneficiary, either the courtesy title "Miss" or "Mrs.," or her social security number must be furnished. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones,"

[2] Effective October 1, 1973. Issuing agents desiring to issue bonds in the names of entities described in § 315.7 (c)(9) and (e), should obtain instructions from the Bureau of the Public Debt, Washington, D.C. 20226.

NOT "Mrs. Frank B. Jones." The address should include, where appropriate, the number and street, route, or any other local feature, and the Zip Code.

§ 315.6 Restrictions on registration.

(a) *Residence.*—Registration of bonds is restricted on original issue, but not on authorized reissue, to persons (whether natural persons or others) who are:

(1) Residents of the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone;

(2) Citizens of the United States temporarily residing abroad; and

(3) Civilian employees of the United States or members of its Armed Forces, regardless of their residence or citizenship.

Except to the extent otherwise provided in these regulations, only a natural person may be designated as coowner or beneficiary with a natural person of any of the above classes, whether on original issue or reissue. Also, registration is not permitted in any form which includes the name of any alien who is resident of any area with respect to which the Treasury Department restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof.[3]

(b) *Minority.*[4]—(1) Bonds purchased by another person with funds belonging to a minor must be registered in the name of the minor without a coowner or beneficiary. Bonds purchased by a representative of a minor's estate must be registered in the name of the minor and include in the registration an appropriate reference to the guardianship estate. Bonds purchased by a representative of the estates of two or more minors, even though appointed in a single proceeding, must be registered in the name of each minor separately, with appropriate reference to his guardianship estate.

(2) Bonds purchased with funds not belonging to a minor may be registered to name the minor as owner, coowner or beneficiary. In this case, if the minor's estate is under legal guardianship, the registration should include an appropriate reference to the guardianship estate.

(3) Bonds purchased as a gift to a minor under a gifts-to-minors statute in effect in the State in which either the donor or the minor resides may be registered as provided in the applicable statute, with a parenthetical reference to the statute if it is not clearly identified by the registration. A coowner or beneficiary may not be named.

(4) Registration of bonds in the name of a natural guardian for a minor is not authorized.

(5) A minor may name a coowner or beneficiary on bonds he purchases with his wages, earnings, or other funds belonging to him and under his control.

(c) *Incompetency.*[4]—Bonds may be purchased to name as owner, coowner or beneficiary an incompetent for whose estate a guardian or similar representative has been appointed,[5] except that a coowner or beneficiary may not be named on bonds purchased with funds belonging to the incompetent. The registration must include appropriate reference to the guardianship or similar fiduciary estate.

§ 315.7 Authorized forms of registration.

Subject to any limitations or restrictions contained in these regulations on the right of any person to be named as owner, coowner, or beneficiary, bonds may be registered in the following forms:

(a) *Natural persons.*—In the names of natural persons in their own right, but only in one of the forms authorized by this paragraph:

(1) *Single ownership form.*—Example:

John A. Jones 123–45–6789.

(2) *Coownership form—two natural persons (only).*—In the alternative as coowners. Examples:

John A. Jones 123–45–6789 or Mrs. Ella S. Jones. Ella S. Jones 987–65–4321 or John A. Jones. No other form of registration establishing coownership is authorized.

(3) *Beneficiary form—two natural persons (only).*—Examples:

John A. Jones 123–45–6789 payable on death to Miss Iola S. Jones. John A. Jones 123–45–6789 P.O.D. Ella S. Jones 987–65–4321.

"Payable on death to" may be abbreviated to "P.O.D.", as indicated in the last example, or "POD". The first-named natural person is hereinafter referred to as the owner and the second-named natural person as the beneficiary.

(b) *Fiduciaries (including legal guardians or similar representatives, certain custodians, executors, administrators and trustees).*—(1) *General.*—A bond may be registered in the name of any person or persons or any organization, public or private, acting as fiduciary of a single duly constituted fiduciary estate, but not where the fiduciary would hold the bond merely or principally as security for the performance of a duty, obligation or service. A coowner or beneficiary may not be named in the registration except under the applicable provisions of § 315.6 (b) and (c). A common trust fund established and maintained according to law by a financial institution duly authorized to act as a fiduciary will be considered as a single duly constituted fiduciary estate within the meaning of these regulations. Registration must conform to a form authorized by this paragraph.

(2) *Guardians, conservators, similar representatives, certain custodians.*—A bond may be registered in the name and title or capacity of the legally appointed, designated or authorized representative of the estate of a minor, incompetent, aged person, absentee, etc., or in the name of such individual, followed by an appropriate reference to the estate and showing the nature of the disability or referring to the applicable statute. A coowner or beneficiary may be named only in accordance with the applicable provisions of § 315.6(b) and (c). Examples:

Tenth National Bank, guardian (or conservator, trustee, etc.) of the estate of George M. Brown 123–45–6789, a minor (or an incompetent, aged person, infirm person, or absentee).

George M. Brown 123–45–6789, a minor (or an incompetent, aged person, infirm person, or absentee) under legal guardianship (or conservatorship or trusteeship, etc.) of James F. Jones.

John R. White 123–45–6789, an adult under conservatorship of Henry C. Smith pursuant to Sec. 572, 1963 Iowa Probate Code.

James F. Green 123–45–6789, a minor (or an incompetent) under custodianship by designation of the Veterans Administration.

Frank M. Redd 123–45–6789, an incompetent for whom Eric A. Redd has been designated trustee by the Department of the Army pursuant to 37 U.S.C. 351–354.

Arnold A. Ames, as custodian for Barry B. Bryan 123–45–6789, under the California Uniform Gifts of Securities to Minors Act.

Thomas J. Reed, as custodian for Lawrence W. Reed 123–45–6789, a minor, under the laws of Georgia (Ch. 48–3, Code of Ga. Ann.).

Richard A. Roe 123–45–6789, for whom Reva L. Roe is representative payee for social security benefits (or black lung benefits, as the case may be). (If the beneficiary is a minor, the words "a minor," should appear immediately after the social security number.)

Henry L. Green 123–45–6789 or Tenth National Bank, guardian of the estate of George M. Brown, a minor.

Henry L. Green 123–45–6789 P.O.D. George M. Brown, a minor under legal guardianship of Tenth National Bank.

(3) *Executors and administrators.*—A bond may be registered in the name of the representative or representatives appointed by a court or otherwise legally qualified to act for the estate of a decedent, or in the name of an executor authorized to administer a trust under the terms of a will although he is not named as trustee. The names and capacities of all the representatives, as shown in their letters of appointment, must be included in the registration and be followed by an adequate identifying reference to the estate. Examples:

John H. Smith and Calvin N. Jones, executors of the will (or administrators of the estate) of Robert J. Smith, deceased 12–3456789.

John H. Smith, executor of the will of Robert J. Smith, deceased, in trust for Mrs. Jane L. Smith, with remainder over 12–3456789.

(4) *Trustees or life tenants under wills, deeds of trust, agreements or similar instrument.*—A bond may be registered in the name and title of the trustee (or trustees) of a duly constituted trust estate, or in the name of a life tenant, followed by an adequate identifying reference to the authority governing the trust or life tenancy. Examples:

Thomas J. White and Tenth National Bank, trustees under the will of Robert J. Smith, deceased 12–3456789.

[3] See Department Circular No. 655, current revision (31 CFR, Part 211).

[4] See examples of forms of registration under § 315.7(b)(2).

[5] Bonds should not be registered in the name of an incompetent unless there is a representative for his estate, except as provided in § 315.53.

Mrs. Jane M. Black, life tenant under the will of Robert J. Black, deceased 12-3456789.

Tenth National Bank, trusteee under agreement with Paul E. White, dated 2/1/55 12-3456789.

Carl A. Black and Henry B. Green, trustees under agreement with Paul E. White, dated 2/1/55 12-3456789.

If the trust instrument designates by title only an officer of a board or an organization as trustee, only the title of the officer should be used. Example:

Chairman, Board of Trustees, First Church of Christ, Scientist, of Chicago, Ill., in trust under the will of Robert J. Smith, deceased 12-3456789.

The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(i) If there are several trustees designated as a board or authorized to act as a unit, their names may be omitted and the words "Board of Trustees" substituted for the word "trustees." Example:

Board of Trustees of Immediate Relief Trust of Federal Aid Association, under trust indenture dated 2/1/55 12-3456789.

(ii) If the trustees do not constitute a board and are not authorized to act as a unit, and are too numerous to be designated in the registration by names and title, some or all of the names may be omitted. Examples:

John A. Smith, Henry B. Jones, et al., trustees under the will of Edwin O. Mann, deceased 12-3456789.

Trustees under the will of Edwin A. Mann, deceased 12-3456789.

(5) *Pension, retirement or similar funds, or eligible employees' savings or savings and vacation plans.*—A bond may be registered in the name and title, or title alone, of the trustee or trustees of a pension, retirement or similar fund, or an eligible employees' savings or savings and vacation plan. If the instrument creating the trust provides that the trustees shall serve for a limited term, their names may be omitted. Examples:

Tenth National Bank, trustee of pension fund of Safety Manufacturing Co., U/A with said company dated March 31, 1949 12-3456789.

Trustees of Retirement Fund of Safety Manufacturing Co., under directors' resolution adopted 3/31/49 12-3456789.

County Trust Company, trustee of the Employees' Savings Plan of Jones Co., Inc., U/A dated 1/17/59, 12-3456789.

Trustee of the Employees' Savings Plan of Brown Bros., Inc., U/A dated January 20, 1964, 12-3456789.

(6) *Funds of lodges, churches, societies, or similar organizations.*—A bond may be registered in the titles of the trustees, or a board of trustees, holding funds in trust for a lodge, church, society, or similar organization, whether or not incorporated. Examples:

Trustees of the First Baptist Church, Akron, Ohio, acting as a Board under Sec. 15 of its by-laws 12-3456789.

Trustees of Jamestown Lodge No. 1,000, Benevolent and Protective Order of Elks, under Sec. 10 of its by-laws 12-3456789.

Board of Trustees of the Lotus Club, Washington, Ind., under Art. 10 of its constitution 12-3456789.

(7) *Investment agents for religious, educational, charitable or nonprofit organizations.*—A bond may be registered in the name of a bank, trust company, or other financial institution, or an individual, as agent under an agreement with a religious, educational, charitable, or nonprofit organization, whether or not incorporated, if the agent holds funds for the sole purpose of investing and reinvesting them and paying the income to the organization. The name and designation of the agent must be followed by an adequate identifying reference to the agreement. Examples:

Tenth National Bank, fiscal agent under agreement with The Evangelical Lutheran Church of the Holy Trinity, dated 12/28/49, 12-3456789.

Sixth Trust Co., investment agent U/A dated September 16, 1962, with Central City Post, Department of Illinois, American Legion 12-3456789.

John Jones, investment agent U/A dated 9/16/62, with Central City Post, Dept. of Ill., American Legion 12-3456789.

(8) *Funds of school groups or activities.*—A bond may be registered in the title of the principal or other officer of a public, private, or parochial school holding funds in trust for a student body fund or for a class, group, or activity. If the amount purchased for any one fund does not exceed $500 (face amount), no reference need be made to a trust instrument. Examples:

Principal, Western High School, in trust for Class of 1955 Library Fund 12-3456789.

Director of Athletics, Western High School, in trust for Student Activities Association, under resolution adopted 5/12/55 12-3456789.

(9) *Public corporations, bodies, or officers as trustees.*—A bond may be registered in the name of a public corporation or a public body, or in the title of a public officer, acting as trustee under express authority of law, followed by an appropriate reference to the statute creating the trust. Examples:

Rhode Island Investment Commission, trustee of the General Sinking Fund under Ch. 35, Gen. Laws of R.I.

Superintendent of the Austin State Hospital Annex, in trust for the Benefit Fund under Sec. 3183(c), Vernon's Civil Stats. of Texas Anno.

(c) *Private organizations (corporations, associations, partnerships).*—(1) *General.*—A bond may be registered in the name of any private organization in its own right, except that of a commercial bank, which is defined for this purpose as one accepting demand deposits. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement, or other authority from which its powers are derived, must be included in the registration and may be followed, if desired, by a parenthetical reference to a particular account other than a trust account, in accordance with the rules and examples authorized by this paragraph.

(2) *Corporations.*—A bond may be registered in the name of a business, fraternal, religious, or other private corporation. The words "a corporation" must be included in the registration unless the fact of incorporation is shown in the name. Examples:

Smith Manufacturing Co., a corporation 12-3456789.

Green & Redd, Inc. 12-3456789 (Depreciation Acct.).

(3) *Unincorporated associations.*—A bond may be registered in the name of a club, lodge, society, or similar self-governing association which is not incorporated. The words "an unincorporated association" must be included in the registration. This form of registration must not be used for a trust fund, a board of trustees, a partnership, a business conducted under a trade name or a sole proprietorship. If the association is chartered by or affiliated with a parent organization, the name or designation of the subordinate or local organization must be given first, followed by the name of the parent organization. The name of the parent organization may be placed in parentheses and, if well known, may be abbreviated. Examples:

The Lotus Club, an unincorporated association 12-3456789.

Local 447, Brotherhood of Railroad Trainmen, an unincorporated association 12-3456789.

Eureka Lodge No. 317 (A.F. & A.M.), an unincorporated association 12-3456789.

(4) *Partnerships.*—A bond may be registered in the name of a partnership, which will be considered as an entity. The words "a partnership" must be included in the registration. Examples:

Smith & Jones, a partnership 12-3456789.

Acme Novelty Co., a partnership 12-3456789.

(d) *Institutions (churches, hospitals, homes, schools, etc.).*—A bond may be registered in the name of a church, hospital, home, school, or similar institution conducted by a private organization or by private trustees, regardless of the manner in which it is organized or governed or title to its property is held. Descriptive words such as "a corporation" or "an unincorporated association" must not be included in the registration. Examples:

Shriners' Hospital for Crippled Children, St. Louis, Mo., 12-3456789.

St. Mary's Roman Catholic Church, Albany, N.Y., 12-3456789.

Rodeph Shalom Sunday School, Philadelphia, Pa., 12-3456789.

(e) *States, public bodies and corporations and public officers.*[3]—A bond may be registered in the name of a State, county, city, town, village, school district or other political entity, public body or corporation established by law (including a board, commission, administration, authority or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody of the funds. Examples:

State of Maine.
Town of Rye, N.Y. (Street Improvement Fund).
Maryland State Highway Administration.
Treasurer, City of Chicago.

(f) *Treasurer of the United States as coowner or beneficiary.*—A person who desires to have a bond become the property of the United States upon his death may designate the Treasurer of the United States as coowner or beneficiary. Examples:

George T. Jones 123-45-6789 or the Treasurer of the United States of America.
George T. Jones 123-45-6789 P.O.D. the Treasurer of the United States of America.

§ 315.8 Unauthorized registration.

A savings bond inscribed in a form not substantially in agreement with one of those authorized by this subpart will not be considered as validly issued. However, if the form of registration was not authorized under the regulations in effect at the time of issuance but is authorized under regulations in effect at the time the bond is presented for payment or reissue, it will be considered as having been validly issued from the date of original issue.

Subpart C—Limitation on Holdings

§ 315.10 Amounts which may be held.

The amounts of savings bonds of Series E and H, issued in any one calendar year, which may be held by any one person at any one time, computed in accordance with the provisions of § 315.11, are limited as follows:

(a) *Series E—(1) General annual limitations.*

Bonds issued:	Limit
May 1941 through December 1947	$5,000 (face amount)
January 1948 through December 1951	10,000 (face amount)
January 1952 through April 1957	20,000 (face amount)
May 1957 through December 1965	10,000 (face amount)
(A person holding $10,000 (face amount) or more purchased between January 1, 1957, and April 30, 1957, was not entitled to additional holdings during the remainder of 1957.)	
January 1966 through November 1969	20,000 (face amount)
December 1, 1969, and thereafter	5,000 (issue price)
(A person holding $5,000 (issue price) or more purchased between January 1, 1969, and November 30, 1969, was not entitled to additional holdings during the remainder of 1969. $5,000 (issue price) will purchase $6,650 (face amount).)	

(2) *Special limitation.*—Trustees of an employees' savings plan (as defined in Department Circular No. 653, current revision, 31 CFR, Part 316) and trustees of an eligible savings and vacation plan may purchase $2,000 (face amount) multiplied by the highest number of employees participating in the plan at any time during the calendar year in which the bonds are issued.

(b) *Series H—(1) General annual limitations.*

Bonds issued:	Limit
June 1952 through April 1957	$20,000 (face amount)
May 1957 through December 1961	10,000 (face amount)
(A person holding $10,000 (face amount) or more purchased between January 1, 1957, and April 30, 1957, was not entitled to additional holdings during the remainder of 1957.)	
January 1962 through December 1965	20,000 (face amount)
January 1966 through November 1969	30,000 (face amount)
December 1, 1969, and thereafter	5,000 (face amount)
(A person holding $5,000 (face amount) or more purchased between January 1, 1969, and November 30, 1969, was not entitled to additional holdings during the remainder of 1969).	

(2) *Special limitation.* $200,000 (face amount) for the calendar year 1966 and each calendar year thereafter for bonds received as gifts by an organization which at the time of purchase was an exempt organization under the terms of 26 CFR 1.501(c)(3)-1.

§ 315.11 Computation of amount.

(a) *Definition of "person".*—The term "person" for purposes of this section shall mean any legal entity and shall include but not be limited to natural persons, corporations (public or private), partnerships, unincorporated associations, and trust estates. The holdings of each person individually and his holdings in any fiduciary capacity authorized by these regulations, such as, for example, his holdings as a guardian of the estate of a minor, as a life tenant, or as trustee under a will or deed of trust, shall be computed separately. A pension or retirement fund or an investment, insurance, annuity or similar fund or trust will be regarded as an entity regardless of the number of beneficiaries or the manner in which their respective interests are established or determined. Segregation of individual shares as a matter of bookkeeping or as a result of individual agreements with beneficiaries or the express designation of individual shares as separate trusts will not serve to constitute them separate "persons" for purposes of this section.

(b) *Bonds that must be included in computation.*—Except as provided in paragraph (c) of this section, there must be taken into account in computing the holdings of each person:

(1) All bonds registered in the name of that person alone;

(2) All bonds registered in the name of the representative of the estate of that person;

(3) All bonds originally registered in the name of that person as coowner or reissued at the request of the original owner to add the name of that person as coowner or to designate him as coowner instead of as beneficiary. However, the amount of bonds of Series E and H held in coownership form may be applied to the holdings of either of the coowners or apportioned between them.

(c) *Bonds that may be excluded from computation.*—There need not be taken into account:

(1) Bonds on which that person is named beneficiary;

(2) Bonds in which his interest is only that of a beneficiary under a trust;

(3) Bonds to which he has become entitled under Sec. 315.67 as surviving beneficiary upon the death of the registered owner, as an heir or legatee of the deceased owner, or by virtue of the termination of a trust or the happening of any other event;

(4) Bonds of Series E purchased with the proceeds of matured bonds of Series A, C-1938, and D, where such matured bonds were presented for that purpose;

(5) Bonds of Series E bearing issue dates from May 1, 1941, to December 1, 1945, inclusive, held by individuals in their own right which are not more than $5,000 (face amount) in excess of the prescribed limit;

(6) Bonds of Series E or H reissued under Sec. 315.61(a);

(7) Bonds of Series E or H reissued in the name of a trustee of a personal trust estate which did not represent excess holdings prior to such reissue;

(8) Bonds of Series E or H purchased with the proceeds of bonds of Series F, G, J, or K, at or after maturity, where such matured bonds had been presented for that purpose;

(9) Bonds of Series H issued in exchange for bonds of Series E, F, or J, and savings notes under the provisions of Department Circular No. 1036 (31 CFR, Part 339) as in effect at the time of the exchange.

§ 315.12 Disposition of excess.

If any person at any time acquires savings bonds issued during any one calendar year in excess of the prescribed amount, instructions should be obtained from the Bureau of the Public Debt for appropriate adjustment of the excess.

For good cause found the Secretary of the Treasury may permit excess holdings to stand in any particular case or class of cases.

Subpart D—Limitations on Transfer or Pledge

§ 315.15 Limitation on transfer or pledge.

Savings bonds are not transferable and are payable only to the owners named thereon, except as specifically provided in these regulations, and then only in the manner and to the extent so provided. A savings bond may not be hypothecated, pledged as collateral, or used as security for the performance of an obligation, except as provided in Sec. 315.16.

§ 315.16 Pledge under Department Circulars No. 154 and Public Debt Series No. 4–67.

A bond may be pledged by the registered owner in lieu of surety under the provisions of Department Circular No. 154, current revision (31 CFR, Part 225), if the bond approving officer is the Secretary of the Treasury. In this case an irrevocable power of attorney shall be executed authorizing the Secretary of the Treasury to request payment. A bond may also be deposited as security with a Federal Reserve Bank under the provisions of Department Circular, Public Debt Series No. 4–67, current revision (31 CFR, Part 317).

Subpart E—Limitation on Judicial Proceedings—No Stoppage or Caveats Permitted

§ 315.20 General.

(a) No judicial determination will be recognized which would give effect to an attempted voluntary transfer inter vivos of a bond, whether between persons designated thereon, or otherwise, or which would defeat or impair the rights of survivorship conferred by these regulations upon a surviving coowner or beneficiary, and all other provisions of this subpart are subject to this restriction. Otherwise, a claim against an owner or coowner of a savings bond and conflicting claims as to ownership of, or interest in, such bond as between coowners or between the registered owner and beneficiary will be recognized when established by valid judical proceedings, upon presentation and surrender of the bond, but only as specifically provided in this subpart.*

(b) Neither the Treasury Department nor any agency for the issue, reissue, or redemption of savings bonds will accept notices of adverse claims or of pending judicial proceedings or undertake to protect the interests of litigants who do not have possession of the bonds.

§ 315.21 Payment to judgment creditors.

(a) *Creditors.*—Payment (but not reissue) of a savings bond registered in single ownership, coownership, or beneficiary form will be made to the purchaser at a sale under a levy or to the officer authorized to levy upon the property of the registered owner or coowner under appropriate process to satisfy a money judgment. Payment will be made to such purchaser or officer only to the extent necessary to satisfy the judgment and will be limited to the redemption value current sixty days after the termination of judicial proceedings. Payment of a bond registered in coownership form pursuant to a judgment or levy against only one of the coowners will be limited to the extent of that coowner's interest in the bond. This interest may be established by an agreement between the coowner or by a judgment, decree, or order of court entered in a proceeding to which both coowners are parties.

(b) *Trustees in bankruptcy and receivers.*—Payment of a savings bond will be made to a trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity, or a similar officer of the court, under the applicable provisions of paragraph (a) of this section, except that payment will be made at the redemption value current on the date of payment.

§ 315.22 Payment or reissue pursuant to judgment.

(a) *Divorce.*—A decree of divorce ratifying or confirming a property settlement agreement or otherwise settling the respective interests of the parties in a bond will not be regarded as a proceeding giving effect to an attempted voluntary transfer under the provisions of § 315.20. Accordingly, reissue of a savings bond may be made to eliminate the name of one spouse as owner, coowner, or beneficiary, or to substitute the name of one spouse for that of the other as owner, coowner, or beneficiary pursuant to such a decree. However, if the bond is registered in the name of one of the spouses with another person as coowner, there must be submitted either a request for reissue by such person or a certified copy of a judgment, decree, or order entered in a proceeding to which such other person and the spouse whose name is to be eliminated are parties determining the extent of the interest of that spouse in the bond and reissue will be permitted only to the extent of the spouse's interest. The evidence required under § 315.23 must be submitted in any case. Where the decree of divorce does not set out the terms of the property settlement agreement, a certified copy of the agreement must also be submitted. Payment rather than reissue will be made if requested.

(b) *Gifts causa mortis.*—A bond belonging solely to one person will be paid or reissued on the request of the person found by a court to be entitled thereto by reason of a gift causa mortis by the sole owner.

(c) *Date for determining rights.*—For the purpose of determining whether or not reissue shall be made under this section pursuant to judicial proceedings, the rights of all parties involved shall be those existing under these regulations at the time of the entry of the final judgment, decree, or order.

§ 315.23 Evidence necessary.

To establish the validity of judicial proceedings, there must be submitted certified copies of a final judgment, decree, or order of court and of any necessary supplementary proceedings. If the judgment, decree, or order of court was rendered more than six months prior to the presentation of the bond, there must also be submitted a certificate from the clerk of the court, under its seal, dated within six months of the presentation of the bond showing that the judgment, decree, or order of court is in full force. A request for payment by a trustee in bankruptcy must be supported by duly certified evidence of his appointment and qualification. A request for payment by a receiver of an insolvent's estate must be supported by a copy of the order appointing him, certified by the clerk of the court, under its seal, as being in full force on a date not more than six months prior to the date of the presentation of the bond. A request for payment by a receiver in equity or a similar officer of the court, other than a receiver of an insolvent's estate, must be supported by a copy of an order authorizing him to present the bond for redemption, certified by the clerk of the court, under its seal, as being in full force on a date not more than six months prior to the presentation of the bond.

Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

§ 315.25 After receipt by owner or his representative.

Relief, either by the issue of a substitute bond or by payment, is authorized for the loss, theft, destruction, mutilation, or defacement of a bond after receipt by the owner or his representative. As a condition for granting relief, the Secretary of the Treasury may require a bond of indemnity, in such form and with such surety as may be deemed necessary to protect the interests of the United States of America. In all cases the bond must be identified and the applicant must submit satisfactory evidence of loss, theft, or destruction, or a satisfactory explanation of the mutilation, or defacement.

§ 315.26 Procedure to be followed.

(a) Immediate notice of the facts concerning the loss, theft, destruction, mutilation, or defacement of a bond, together with its complete description (series, year, and month of issue, serial number, name and address of the registered owner or coowners), and the appropriate social security number, should be furnished to the Bureau of the Public Debt, P.O. Box 509, Parkersburg, West Virginia 26101. Defaced bonds and all available fragments of mutilated bonds in any form whatsoever should be submitted. That office will furnish the proper application form and instructions. The application must be made by the person or persons (including both coowners, if living), authorized under these regulations to request payment of the bond, except as follows:

(1) If the bond is in beneficiary form and the owner and beneficiary are both

* Title to a savings bond claimed by a finder or a purchaser will not be recognized.

living, both ordinarily will be required to join in the application.

(2) If a minor named on a bond as owner, coowner, or beneficiary is not of sufficient competency and understanding to request payment, both parents ordinarily will be required to join in the application.

§ 315.27 Nonreceipt of bond.

If a bond, on original issue or on reissue, is not received from the issuing agent by the registered owner or other person to whom delivery of the bond was directed, the issuing agent should be notified as promptly as possible and given all information available about the transaction. The agent will then obtain appropriate instructions and a form for applying for relief. Following approval of the application, relief will be granted by the issuance of a bond bearing the same issue date as the bond which was not received.

§ 315.28 Recovery or receipt of bond reported lost, stolen, destroyed or not received.

If a bond reported lost, stolen, destroyed, or not received, is recovered or received before relief is granted, the Bureau of the Public Debt should be notified promptly. A bond which is recovered after relief therefor has been granted belongs to the United States and shall be promptly surrendered for cancellation.

Subpart G—Interest

§ 315.30 General.

The only savings bonds currently on sale are (a) Series E bonds, which are appreciation bonds issued at a discount and redeemable before final maturity at increasing redemption values; and (b) Series H bonds, which are current-income bonds issued at par (face amount), paying interest semiannually to maturity, or extended maturity, where authorized. Series H bonds are redeemable at par at any time after six months from issue date. Series E bonds, and Series H bonds having extended maturity periods, continue to earn interest when held to their final maturity dates.[1] Savings notes, the sale of which terminated at the close of business on June 30, 1970, have been extended for ten years.

§ 315.31 Series E bonds.

For the first six months from issue date, a Series E bond is redeemable only at purchase price. Thereafter, its redemption value increases at the beginning of each successive half-year period and at maturity, and at the beginning of each successive half-year period, and at final maturity.[1] The increment in value (interest) on a Series E bond is payable only on its redemption.

§ 315.32 Series H bonds.

(a) *Interest.*—Interest on a Series H bond is paid semiannually by check, beginning six months from issue date. Interest will cease at maturity or extended maturity for bonds having extended maturity periods, or if redeemed before maturity or extended maturity,[1] at the end of the interest period next preceding the date of redemption. However, if the date of redemption falls on an interest payment date, interest will cease on that date. For example, if a bond on which interest is payable on January 1 and July 1 is redeemed on September 1, interest will cease on the preceding July 1, and no adjustment of interest will be made for the period from July 1 to September 1. The same rules apply in case of partial redemption with respect to the amount redeemed.

(b) *Method of interest payments.*—Interest due on a Series H bond will be paid on each interest payment date by check drawn to the order of the person or persons in whose names the bond is inscribed, in the same form as their names appear in the inscription on the bond, and mailed to the address of record (that given for the delivery of interest checks in the application for purchase or the request for reissue or, if no instruction is given as to the delivery of interest checks, the address given for the owner or the first-named coowner), except that:

(1) In the case of a bond registered in the form "A payable on death to B" the check will be drawn to the order of "A" alone until the Bureau of the Public Debt receives notice of A's death. At that time the payment of interest will be suspended until the bond is presented for payment or reissue. Interest so withheld will be paid to the person entitled to the bond.

(2) Upon receipt of notice of the death of the coowner to whom interest is being mailed, payment of interest will be suspended until a request for change of address is received from the other coowner, if living, or, if not, until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the last deceased coowner in accordance with the provisions of Subpart O.

(3) Upon receipt of notice of the death of the owner of a bond, payment of interest on the bond will be suspended until satisfactory evidence is submitted as to who is authorized to endorse and collect such checks on behalf of the estate of the decedent, in accordance with the provisions of Subpart O.

(4) Whenever practicable the accounts for all Series H bonds with the same inscription, on which interest is payable on the same dates, will be consolidated and a single check will be issued on each interest payment date for interest on all such bonds. The check inscription may vary from the inscriptions on the bonds in cases of very long inscriptions or where there is lack of uniformity in the inscriptions on the bonds.

(c) *Notices affecting delivery of interest checks.*—Notices affecting the delivery of interest checks on Series H bonds, including changes in addresses, should be sent to the Bureau of the Public Debt, 536 South Clark Street, Chicago, Illinois 60605. Each bond should be described in the notice by issue date (including year of issue), serial number, series, inscription appearing on the face of the bond, and the social security number furnished. Bonds should not be submitted. The notice must be signed by the owner or a coowner, or in the case of a minor or incompetent, as provided in (d) or (e) of this section. If the notice is not received at least one month before an interest payment date, no assurance can be given that action can be taken in time to make the change, or suspend the mailing of the interest due on that date.

(d) *Representative appointed for the estate of a minor, incompetent, absentee, etc.*—Interest on Series H bonds will be paid, in accordance with the provisions of § 315.50, to the representative appointed for the estate of an owner who is a minor, incompetent, absentee, etc. If the registration of the bonds does not include reference to the owner's status, the bonds should be submitted for reissue to the Bureau of the Public Debt, at the address shown in paragraph (c) of this section, or to a Federal Reserve Bank so that interest checks may be properly drawn and delivered. They must be accompanied by the proof of appointment required by § 315.50.

(e) *Adult incompetent's estate having no representative.*—If an adult owner of a Series H bond is incompetent to endorse and collect the interest checks and no legal guardian or similar representative has been appointed to act for him, the relative responsible for his care and support, or some other appropriate person, may apply to the Bureau of the Public Debt for recognition as voluntary guardian for the purpose of receiving, endorsing, and collecting the checks. Form PD 2513 should be used in making application for this purpose.

(f) *Reissue during interest period.*—Physical reissue of a Series H bond will be made as soon as practicable without regard to interest payment dates. If a bond is reissued between interest payment dates, interest for the entire period will ordinarily be paid on the next interest payment date by check drawn to the order of the person in whose name the bond is reissued. However, if reissue is made during a month preceding an interest payment date, the interest due on the first day of the next month may in some cases be paid to the former owner or the representative of his estate.

(g) *Endorsement of checks.*—Interest checks may be collected upon the endorsement of the payee or his authorized representative in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department Circular No. 21, current revi-

[1] See Appendices to current revisions of Department Circulars No. 653 and No. 905 (31 CFR Parts 316 and 332) concerning extensions and investment yields for Series E and Series H bonds, respectively. See Department Circular, Public Debt Series No. 3-67, Revised, as amended (31 CFR Part 342), concerning the extension and investment yields for savings notes (Freedom Shares).

sion (31 CFR, Part 360). A form for the appointment of an attorney in fact for this purpose may be obtained from the Office of the Treasurer of the United States or from any Federal Reserve Bank. If the owner is incompetent or deceased and no legal representative of his estate has been or will be appointed, the Bureau of the Public Debt (see (c) of this section for address), or a Federal Reserve Bank will furnish instructions upon request.

(h) *Nonreceipt or loss of check.*—If an interest check is not received or is lost after receipt, the Bureau of the Public Debt should be notified of the facts and given information concerning the amount, number, inscription of the bonds, and social security number, as well as a description of the check, if possible.

Subpart H—General Provision for Payment and Redemption

§ 315.35 Payment or redemption.

(a) *General.*—Payment of a savings bond will be made to the person or persons entitled thereto under the provisions of these regulations, except that checks in payment will not be delivered to addresses in areas with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof.[3] Payment will be made without regard to any notice of adverse claims to a bond and no stoppage or caveat against payment of the bond will be entered. Pursuant to its terms, a savings bond may not be called for redemption by the Secretary of the Treasury prior to maturity, or the end of any authorized extension period. However, a bond may be redeemed in whole or in part at the option of the owner prior thereto, under the terms and conditions set forth in the offering circular for each series and in acordance with the provisions of these regulations. On or after the maturity date, or the final extended maturity date, the bond will be paid at the maturity value or the extended maturity value fixed by the terms of the circular and in no greater amount.

(b) *Series E.*—A Series E bond will be redeemed at any time after two months from issue date at the appropriate redemption value shown in the revision of Department Circular No. 653 current at the time of redemption.

(c) *Series H.*—A Series H bond will be redeemed at par after six months from issue date. However, a bond received for redemption during the calendar month preceding an interest payment date will not be redeemed until that date. On or after the maturity date, or the final extended maturity date, a bond presented for redemption will be paid at par.

[3] See Department Circular No. 655, current revision (31 CFR, Part 211).

§ 315.36 Withdrawal of request for redemption.

An owner or a coowner who has presented and surrendered a bond to the Department of the Treasury or a Federal Reserve Bank or Branch or to an authorized paying agent with an appropriate request for payment may withdraw such request if notice of intent to withdraw is given to and received by the same agency to which the bond was presented for payment prior to the issuance of a check in payment or prior to payment by the authorized paying agent. Such request may be withdrawn under the same conditions by the executor or administrator of the estate of a deceased owner or by the person or persons who would have been entitled to the bond under Subpart O, or by the legal representative of the estate of a person under legal disability, unless presentation and surrender of the bond have cut off rights of survivorship under the provisions of Subpart M or Subpart N.

§ 315.37 Requests for payment.

(a) *Form and execution of requests.*—A request for payment of a bond must be executed on the form appearing on the back of the bond unless (1) the bond is accepted by an authorized paying agent for payment or for presentation to a Federal Reserve Bank for payment without the owner's signature to the request for payment under the provisions of Department Circular No. 888, current revision (31 CFR, Part 330), or (2) authority is given for the execution of a separate or detached request.

(b) *Date of request.*—Ordinarily, requests executed more than six months before the date of receipt of a bond for payment will not be accepted; nor will a bond ordinarily be accepted for redemption more than three calendar months prior to the date redemption is requested under these regulations.

(c) *Identification and signature.*—Unless the bond is presented under provisions of paragraph (a) of this section or paragraph (b) of § 315.38, the owner or a coowner whose name is inscribed on the bond, or other persons entitled to payment under the provisions of these regulations, must appear before and establish his identity to an officer authorized to certify requests for payment (see Subpart I), and in the presence of such officer sign the request for payment in ink, adding in the space provided the address to which the check issued in payment is to be mailed. A signature by mark (X) must be witnessed by at least one disinterested person in addition to the certifying officer and must be attested by endorsement in the blank space, substantially as follows: "Witness to signature by mark" followed by the signature and address of the witness. If the name of the owner, coowner or other person entitled to payment, as it appears in the registration or in evidence on file in the Bureau of the Public Debt, has been changed by marriage or in any other legal manner, the signature to the request for payment must show both names and the manner in which the change was made, for example, "Mrs. Mary T. Jones Smith (Mrs. Mary T. J. Smith or Mrs. Mary T. Smith) changed by marriage from Miss Mary T. Jones," or "John R. Young, changed by order of court from Hans R. Jung." (See Sec. 315.49.) No request signed in behalf of the owner, a coowner or person entitled to payment by an agent or a person acting under a power of attorney will be recognized by the Department of the Treasury, except when the bond has been pledged in lieu of surety under Department Circular No. 154, current revision (31 CFR, Part 225), as provided in § 315.16.

(d) *Certification of request.*—After the request for payment has been signed by the owner, the certifying officer should complete and sign the certificate thereunder and the bond should then be presented and surrendered as provided in Sec. 315.38(a).

§ 315.38 Presentation and surrender.

(a) *All series.*—Except for cases coming within the provisions of paragraph (b) of this section, after the request for payment has been duly signed by the owner and certified as provided in Subpart I, the bond should be presented and surrendered to (1) a Federal Reserve Bank or Branch, (2) the Bureau of the Public Debt, or (3) the Office of the Treasurer of the United States, Securities Division. Usually, payment will be expedited by surrender to a Federal Reserve Bank or Branch. In all cases presentation will be at the expense and risk of the owner. Payment will be made by check drawn to the order of the registered owner or other person entitled and mailed to the address given in the request for payment or, if no address is given, to the address shown in instructions accompanying the bond.

(b) *Optional procedure for bonds of Series A to E, inclusive, in the names of individual owners or coowners only.* A natural person whose name is inscribed on the face of a bond of Series A, B, C, D, or E, either as owner or coowner in his own right, may present such bond for redemption to an authorized paying agent. If such a person is not known to the paying agent, he must establish his identity to the agent. (See § 315.43.) Such owner or coowner must sign the request for payment, and add his home or business address. Even though the request for payment may have been signed, or signed and certified, before presentation of the bond, the representative of the paying agent must be satisfied that the person presenting the bond for payment is the owner or coowner and may require him to sign the request for payment again. If the bond is in order for payment, the paying agent will make immediate payment at the appropriate redemption value without charge to the owner or co-

owner. This procedure is not applicable to partial redemption cases, or deceased owner cases, or other cases in which documentary evidence is required.

§ 315.39 Partial redemption.

A bond of any series may be redeemed in part at current redemption value, but only in amounts corresponding to authorized denominations, upon presentation and surrender of the bond in accordance with § 315.38(a). In any case in which partial redemption is authorized, before the request for payment is signed, the phrase "to the extent of $_____ (face amount) and reissue of the remainder" should be added to the first sentence of the request. Upon partial redemption of the bond, the remainder will be reissued as of the original issue date, as provided in Subpart J. For payment of interest on Series H bonds in case of partial redemption, see Subpart G of this part.

§ 315.40 Nonreceipt or loss of check issued in payment.

In case a check in payment of a bond surrendered for redemption is not received within a reasonable time, or the check is lost after receipt, notice should be given to the same agency to which the bond was surrendered for payment, accompanied by a description of the bond by series, denomination, serial number, registration, and social security number. The notice should state whether or not the check was received and should give the date upon which the bond was surrendered for payment.

Subpart I—Certifying Officers

§ 315.42 Persons who may certify.

The following persons are authorized to act as certifying officers for the purpose of certifying requests for payment and forms with respect to bonds:

(a) *At United States post offices.*—Any postmaster, officer-in-charge or other post office official or clerk designated for that purpose. One or more of these officials will be found at every United States post office, classified branch, or station. A post office official or clerk, other than a postmaster or officer-in-charge, should certify in the name of the postmaster or officer-in-charge, followed by his own signature and official title, for example, "John Doe, postmaster, by Richard Roe, his designee." Signatures of these officers should be authenticated by a legible imprint of the post office dating stamp.

(b) *At banks, trust companies and member organizations of the Federal Home Loan Bank System.*—Any officer of any bank or trust company incorporated in the United States, its territories or possessions, or the Commonwealth of Puerto Rico, any Federal Savings and Loan Association or other organization which is a member of the Federal Home Loan Bank System, or a domestic or foreign branch of any such institution; any officer of a Federal Reserve Bank, Federal Land Bank, or Federal Home Loan Bank; any employee of any such institution expressly authorized by it for that purpose, who must sign over the title "Designated Employee"; and Federal Reserve Agents and Assistant Agents located at the several Federal Reserve Banks. Certifications by any of these officers or designated employees must be authenticated by either a legible impression of the corporate seal of the institution or, in the case of organizations which are authorized issuing agents for bonds of Series E, by a legible imprint of the issuing agent's dating stamp.

(c) *Issuing agents not banks or trust companies.*—Any officer of a corporation not a bank or trust company and of any other organization which is an authorized issuing agent for bonds of Series E. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp.

(d) *Commissioned and warrant officers of Armed Forces.*—Commissioned and warrant officers of any of the Armed Forces of the United States, but only for members and the families of members of their respective services and civilian employees at Posts or Bases or Stations. Such certifying officer should indicate his rank and state that the person signing the request is one of the class whose request he is authorized to certify.

(e) *United States officials.*—Judges, clerks, and deputy clerks of United States courts, including United States courts for the territories, possessions, the Commonwealth of Puerto Rico, and the Canal Zone; United States Commissioners; United States Attorneys; United States Collectors of Customs and their deputies; Regional Commissioners, District Directors, Service Center Directors, and Internal Revenue agents, Internal Revenue Service; the officer in charge of any home, hospital, or other facility of the Veterans Administration, but only for patients and employees of such facilities; certain officers of Federal penal institutions designated for that purpose by the Secretary of the Treasury; certain officers of the United States Public Health Service Hospitals at Lexington, Kentucky, and Carville, Louisiana, designated for that purpose by the Secretary of the Treasury (in each case, however, only for patients or employees of the institution involved).

(f) *Officers authorized in particular localities.*—Certain designated officers in the Department of the Treasury; the Governor and Treasurer of Puerto Rico; the Governor and Commissioner of Finance of the Virgin Islands; the Governor and Director of Finance of Guam; the Governor and Director of Administrative Services of American Samoa; the Governor, paymaster, or acting paymaster and collector or acting collector of the Panama Canal; and postmasters and acting postmasters of the Bureau of Posts of the Canal Zone.

(g) *In foreign countries.*—In a foreign country requests for payment may be signed in the presence of and be certified by any United States diplomatic or consular representative, or the manager or other officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an impression of the corporate seal or is certified to the Department of the Treasury. If such an officer is not available, requests for payment may be signed in the presence of and be certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction should be certified by a United States diplomatic or consular officer under seal of his office.

(h) *Special provisions.*—In the event no officer authorized to certify requests for payment of bonds is readily accessible, the Commissioner of the Public Debt, a designated official of the Bureau of the Public Debt, the Treasurer of the United States, or any Federal Reserve Bank or Branch is authorized to make special provision for any particular case.

§ 315.43 General instructions to certifying officers.

A certifying officer should require that a person presenting bonds, or forms with respect thereto, establish his identity by positive and reliable evidence before the bonds or forms are signed, unless the presenter is personally well known to the officer. Such officer and, if he is an officer or employee of an organization, the organization, will be held fully responsible for the adequacy of the identification. The certifying officer should place an adequate notation on the back of the bond or form, or on a separate record, showing exactly how identification was established. The certifying officer must affix to the certification his official signature, title, seal or dating stamp, address (if not shown in the seal or stamp), and the date of execution. Officers of the Public Health Service Hospitals, Veterans Administration Facilities and Federal penal institutions should use the seal of the particular institution or service, where such seal is available. A certifying officer, other than a post office official, officer of a bank or trust company, or officer of an issuing agent, who does not possess an official seal, should add a statement to that effect to his certification.

§ 315.44 Interested person not to certify.

A certifying officer may not certify a request for payment of a bond, or a form with respect to a bond, in which he has or is acquiring an interest, either in his own right or in a representative capacity.

Subpart J—Reissue and Denominational Exchange

§ 315.45 General.

Reissue of a bond may be made only under the conditions specified in these regulations. Reissue is not authorized solely for the purpose of effecting an exchange as between authorized denominations, but in the case of authorized re-issue the new bond or bonds may be issued in any authorized denomination or denominations.

Reissue will not be made if the request therefor is received less than one full calendar month before the final maturity date of a bond. Such request, however, will be effective to establish

ownership as though the requested reissue had been made.

(a) A request for reissue of a bond received on or after its final maturity date will not be effective to name a coowner or beneficiary or to promote a beneficiary to a coowner, but requests for reissue in the names of persons who have become entitled by operation of law will be recognized as establishing the right of those persons to receive payment. Reissues under the provisions of this subpart may be made only at (1) a Federal Reserve Bank or Branch, (2) the Bureau of the Public Debt, or (3) the Office of the Treasurer of the United States, Securities Division.

§ 315.46 Requests for reissue.

A request for reissue should be made on the prescribed form by the person authorized under these regulations to make such request. Appropriate forms may be obtained from any Federal Reserve Bank, the Office of the Treasurer of the United States, Securities Division, or the Bureau of the Public Debt.

§ 315.47 Effective date.

In any case of authorized reissue, the Department of the Treasury will treat the receipt by (a) a Federal Reserve Bank or Branch, or (b) the Bureau of the Public Debt, or (c) the Office of the Treasurer of the United States, Securities Division, of a bond and an appropriate request for reissue thereof as determining the date upon which the reissue is effective. If the owner or either coowner of a bond dies after he has presented and surrendered the bond for authorized reissue, the bond will be regarded as though reissued in the decedent's lifetime.

§ 315.48 Correction of errors.

Reissue of a bond may be made to correct an error in the original issue, upon appropriate request supported by satisfactory proof of the error.

§ 315.49 Change of name.

An owner, coowner, or beneficiary whose name is changed by marriage, divorce, annulment, order of court, or in any other legal manner after the issue of a bond should submit the bond with a request on Form PD 4000 for reissue to substitute the new name for the name inscribed on the bond. The signature to the request for reissue should show the new name, the manner in which the change was made and the former name. Documentary evidence, properly certified, may be required in any appropriate case.

Subpart K—Minors, Incompetents, Aged Persons, Absentees, Etc.

§ 315.50 Payment to representative of estate.

(a) If the registration of a bond shows the name of the representative of the estate of the owner or a coowner who is a minor, an incompetent, aged person, absentee, etc., the representative may obtain payment of the bond without submitting evidence of his representative capacity. In the event the representative's name is not shown, a certificate, or a certified copy of the letters of appointment, from the court making the appointment, under court seal, or other proof of qualification if not appointed by a court, must be submitted. Except in the case of corporate fiduciaries, such evidence must show that the appointment is in full force and be dated not more than one year prior to presentation of the bond for payment. After the death of the ward, and at any time prior to his discharge, the representative of the estate will be entitled to obtain payment of a bond to which the ward was solely entitled. The request for payment appearing on the back of a bond must be signed by the representative as such, for example, "John S. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (an incompetent)."

(b) If the form of registration does not indicate there is a representative of the estate of a minor owner or coowner, a notice that there is such a representative will not be accepted for the purpose of preventing payment to the minor or to a parent or other person on behalf of the minor, as provided in §§ 315.51 and 315.52.

§ 315.51 Payment to minors.

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, payment will be made to him upon his request, provided he is of sufficient competency to sign his name to the request for payment and to understand the nature of the transaction. In general, the fact that the request for payment has been signed by a minor and duly certified will be accepted as sufficient proof of competency and understanding.

§ 315.52 Payment to a parent or other person on behalf of a minor.

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his estate, and if such minor owner is not of sufficient competency to sign his name to the request for payment and to understand the nature of the transaction, payment will be made to either parent with whom he resides or, if the minor does not reside with either parent, then to the person who furnishes his chief support. His parent or the person furnishing his chief support should execute the request for payment and furnish a certificate, which may be typed or written on the back of the bond, as to his right to act for the minor. If a parent signs the request, the certificate and signature thereto should be in substantially the following form:

I certify that I am the mother of John C. Jones and the person with whom he resides. He is ____ years of age and is not of sufficient competency and understanding to make this request.

Mrs. Mary Jones on behalf of
John C. Jones.

If a person other than a parent signs the request, the certificate and signature thereto, including a reference to the person's relationship, if any, to the minor, should be in substantially the following form:

I certify that John C. Jones does not reside with either parent and that I furnish his chief support. He is ____ years of age and is not of sufficient competency and understanding to make this request.

Mrs. Alice Brown, grandmother,
on behalf of John C. Jones.

§ 315.53 Payment or reinvestment upon request of voluntary guardian of incompetent.

If the adult owner of bonds is incompetent to request and receive payment thereof and no other person is legally qualified to do so, the relative responsible for his care and support or some other person may submit an application seeking recognition as voluntary guardian for the purpose of redeeming the bonds in the following situations:

(a) If the proceeds of the bonds are needed to pay expenses already incurred, or to be incurred during any 90-day period, for the support of the incompetent or his legal dependents;

(b) If the bonds have matured and it is desired to redeem them and reinvest the proceeds in savings bonds. The proceeds of any matured appreciation type bonds ordinarily will be required to be reinvested in Series E bonds. The proceeds of matured current income bonds may be invested in Series H or Series E bonds. The new bonds must be registered in the name of the incompetent followed by words showing he is under voluntary guardianship, for example, "John Jones 123–45–6789 under voluntary guardianship." A living coowner or beneficiary named on the matured bonds must be designated on the new bonds unless he is a competent adult and furnishes a certified statement consenting to omission of his name. If an amount insufficient to purchase an additional bond of any authorized denomination of any series remains after the reinvestment, the voluntary guardian may, if he so desires, furnish additional funds sufficient to purchase another bond of either series in the lowest available denomination. If additional funds are not furnished, the remaining amount will be paid to the voluntary guardian for the use and benefit of the incompetent.

§ 315.54 Reissue.

A bond of which a minor or other person under legal disability is the owner or in which he has an interest may be reissued upon an authorized reissue transaction under the following conditions:

(a) A minor of sufficient competency to sign his name to the request and to understand the nature of the transaction may request reissue to add a coowner or beneficiary to a bond registered in his name alone or to which he is entitled in his own right.

(b) A bond on which a minor is named as beneficiary or coowner may be reissued in the name of a custodian for the minor under a statute authorizing gifts to minors upon the request of the adult whose name appears on the bond as owner or coowner.

(c) Except to the extent provided in paragraphs (a) and (b), above, and in paragraph (c) of § 315.61, reissue will be restricted to a form of registration which does not adversely affect the existing ownership or interest of the minor or such other person. Requests for reissue should be executed by the person authorized to request payment under §§ 315.50 and 315.52, or who may request recognition as voluntary guardian under § 315.53, and in the same manner.

Subpart L—Natural Person as Sole Owner

§ 315.55 Payment.

A savings bond registered in the name of a natural person in his own right, without a coowner or beneficiary, will be paid to him during his lifetime under Subpart H. Upon the death of the owner such bond will be considered as belonging to his estate and will be paid under Subpart O, except as otherwise provided in these regulations.

§ 315.56 Reissue for certain purposes.

A savings bond registered in the name of a natural person in his own right may be reissued upon appropriate request by him (subject to the provisions of § 315.54), upon presentation and surrender during his lifetime, for the following purposes:

(a) *Addition of a coowner or beneficiary.*—To name another natural person as coowner or as beneficiary. Form PD 4000 should be used.

(b) *Divorce or annulment.*—To name as registered owner the other party to a divorce or annulment occurring after issue of the bond. Form PD 3360 should be used.

(c) *Certain degrees of relationship.*—To name as registered owner a person related to the owner as set forth in § 315.61(a)(2), with a beneficiary or coowner, if so desired. (Form PD 3360 may be used.)

(d) *Trustees.*—To name the trustee of (1) a personal trust estate created by the owner, or (2) a personal trust estate created by other than the owner provided (i) the owner is a beneficiary of the trust, or (ii) a beneficiary of the trust and the owner are related as set forth in § 315.61 (a)(2). (Form PD 1851 may be used.)

Subpart M—Two Natural Persons as Coowners

§ 315.60 Payment during the lives of both coowners.

A savings bond registered in coownership form, for example, "John A. Jones or Mrs. Mary C. Jones," will be paid to either upon his separate request, and upon payment to him the other shall cease to have any interest in the bond. If both request payment jointly, payment will be made by check drawn to their order jointly, for example, "John A. Jones AND Mrs. Mary C. Jones."

§ 315.61 Reissue during the lives of both coowners.

(a) *General.*—A bond registered in coownership form may be reissued upon its presentation and surrender during the lifetime and competency of both coowners, upon the request of both, under the following conditions:

(1) *Marriage, divorce, or annulment of marriage.*—If one of the coowners marries, or if they are divorced or legally separated from each other, or their marriage to each other is annuled after issue of the bond, the bond may be reissued in the name of either coowner alone, or with another natural person as the new coowner or beneficiary.

(2) *Related coowners.*—If the coowners are related as: husband, wife; parent, child (including child by legal adoption or stepchild); brother, sister (including the half blood, stepbrother, stepsister, or brother or sister through adoption); grandparent, grandchild, great grandparent, great grandchild; uncle, aunt, nephew, niece (including a child of a brother or sister of the present spouse); granduncle, grandaunt, grandnephew, grandniece; father-in-law, mother-in-law, son-in-law, daughter-in-law; brother-in-law, sister-in-law—the bond may be issued in the name of:

(i) Either coowner alone, or with another natural person as the new coowner or beneficiary;

(ii) A third person related to either coowner in any of the foregoing degrees of relationship, with another natural person as coowner or beneficiary, if so desired (Form PD 1938 may be used for any of the above classes.); or

(iii) The trustee of (*a*) a personal trust estate created by either of them, or (*b*) a personal trust estate created by some other person provided (*1*) either coowner is a beneficiary of the trust, or (*2*) a beneficiary of the trust is related to either coowner in any of the foregoing degrees of relationship. (Form PD 1851 may be used.)

(3) A request for reissue to eliminate the name of one coowner may be signed by that coowner only.

(4) The provisions of this section do not apply to bonds on which the Treasurer of the United States is named as coowner.

(b) *Minor coowners.*—A minor coowner for whose estate no representative has been appointed may be promoted to sole owner upon the request of the competent coowner. A competent coowner may, upon his own request have the bond reissued to remove his name and name a custodian for the minor under a statute authorizing gifts to minors. A request for reissue signed by a minor coowner of sufficient competency to sign his name to the request and understand the nature of the transaction, and for whose estate no representative has been appointed, will be recognized if the bond is to be reissued in his name with a new coowner or beneficiary. A request for reissue to eliminate the name of a minor coowner will be recognized only if supported by evidence that a court has ordered the representative of his estate to request such reissue (see § 315.23).

(c) *Incompetent coowners.*—Reissue will not be made if one coowner is incompetent and a representative of the incompetent's estate has not been appointed by a court, except to add "under voluntary guardianship" after his name or to eliminate the other coowner from the registration. If there is a representative, the provisions of paragraph (b) of this section apply as to his execution of a request for reissue.

§ 315.62 After the death of one or both coowners.

If either coowner dies without the bond having been presented and surrendered for payment or authorized reissue, the survivor will be recognized as the sole and absolute owner. Thereafter, payment or reissue will be made as though the bond were registered in the name of the survivor alone (see Subpart L of this part). However, a request for reissue by him must be supported by proof of death of the other coowner, and if the bond is still outstanding at the death of the survivor, proof of death of both coowners will be required. The presentation and surrender of a bond by one coowner for payment establishes his right to receive the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or persons entitled to, his estate in accordance with the provisions of Subpart O. If either coowner dies after the bond has been presented and surrendered for authorized reissue (see § 315.47), the bond will be regarded as though reissued during his lifetime.

§ 315.63 Upon death of both coowners in a common disaster, etc.

If both coowners die under such conditions that it cannot be established either by presumption of law or otherwise which died first, the bond will be considered as belonging to the estates of both equally, and payment or reissue will be made accordingly. (See Subpart O of this part.)

Subpart N—Two Natural Persons as Owner and Beneficiary

§ 315.65 Payment during the lifetime of the registered owner.

A savings bond registered in beneficiary form, for example, "John A. Jones payable on death to Mrs. Mary C. Jones," will be paid to the registered owner during his lifetime upon his properly executed request as though no beneficiary had been named in the registration. The presentation and surrender of the bond by the registered owner for payment establishes his exclusive right to the proceeds of the bond, and if he should die before the transaction is completed, payment will be made to the legal representative of, or the persons entitled to, his estate upon receipt of proof of appointment and qualification of the representative or the identity of the persons entitled, in accordance with the provisions of Subpart O of this part.

§ 315.66 Reissue during the lifetime of the registered owner.

A savings bond registered in beneficiary form may be reissued upon its presentation and surrender during the lifetime of the registered owner, upon his request, as follows:

(a) To name the beneficiary designated on the bond as coowner. (Form PD 4000 may be used.)

(b) To eliminate his name as owner and to name as owner a custodian for the beneficiary, if a minor, under a statute authorizing gifts to minors. (Form PD 3360 may be used.)

(c) To eliminate the beneficiary, to substitute another natural person as beneficiary, or to name another natural person as coowner. The request of the owner must be supported by the duly certified consent of the beneficiary to elimination of his name, or by proof of his death. (Form PD 4000 may be used.)

(d) To eliminate his name as owner and to name as owner the trustee of (1) a personal trust estate created by the owner, or (2) a personal trust estate created by other than the owner if (i) the owner is a beneficiary of the trust, or (ii) a beneficiary of the trust and the owner are related as set forth in § 315.61 (a) (2). The request of the owner must be supported by the duly certified consent of the beneficiary, or by proof of his death. (Form PD 1851 may be used.)

(e) The provisions of this section do not apply to bonds on which the Treasurer of the United States is named as beneficiary.

§ 315.67 After the death of the registered owner.

If the registered owner dies without the bond having been presented and surrendered for payment or authorized reissue and is survived by the beneficiary, upon proof of death of the owner the beneficiary will be recognized as the sole and absolute owner, and payment or reissue will be made as though the bond were registered in his name alone. (See Subpart L of this part.)

Subpart O—Deceased Owners

§ 315.70 General.

Upon the death of the owner of a savings bond who is not survived by a coowner or designated beneficiary and who had not during his lifetime presented and surrendered the bond for payment or an authorized reissue, the bond will be considered as belonging to his estate and will be paid or reissued accordingly as hereinafter provided, except that reissue under this subpart will not be permitted if otherwise in conflict with these regulations. If the person entitled is an alien who is a resident of an area with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States of American or any agency or instrumentality thereof, payment of, and interest on, a bond will not be made so long as the restriction applies.[3] A creditor is entitled only to payment of a bond to the extent of not more than his claim.

[3] See Department Circular No. 655, current revision (31 CFR, Part 211).

§ 315.71 Special provisions applicable to small amounts of savings bonds, interest checks or redemption checks.

Entitlement to, or the authority to dispose of, a small amount of bonds and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate face amount of bonds and checks involved (excluding checks representing interest on the bonds), as indicated by the following table:

Amount	Circumstances	Form	To be executed by—
$100	No administration	PD 2216	Person who paid burial expenses.
500	Estate being administered	PD 2488-1	Executor or administrator.
500	Estate settled	PD 2458	Former executor or administrator, attorney or other qualified person.

§ 315.72 Estates administered.

(a) *In course of administration.*—If the estate of a decedent is being administered in court, the bond will be paid to the duly qualified representative of the estate or will be reissued in the names of the persons entitled to share in the estate, upon the request of the representative and compliance with the following requirements:

(1) Where there are two or more legal representatives, all must join in the request for payment or reissue, except as provided in §§ 315.77 and 315.78.

(2) The request for payment or reissue should be signed in the form, for example, "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased," and must be supported by proof of the representative's authority in the form of a court certificate or a certified copy of the representative's letters of appointment. The certificate or the certification to the letters must be under seal of the court and, except in the case of a corporate representative, must contain a statement that the appointment is in full force and should be dated within six months of the date of presentation of the bond, unless the certificate or letters show that the appointment was made within one year immediately prior to such presentation.

(3) In case of reissue the legal representative of the estate should certify that each person in whose name reissue is requested is entitled to the extent specified for each and has consented to such reissue. A request for reissue by the legal representative should be made on Form PD 1455. If a person in whose name reissue is requested desires to name a coowner or beneficiary, such person should execute an additional request for that purpose, using Form PD 4000.

(b) *After settlement through court proceedings.*—If the estate of the decedent has been settled in court, the bond will be paid to, or reissued in the name of, the person entitled thereto as determined by the court. The request for payment or reissue should be made by the person shown to be entitled, supported by a duly certified copy of the representative's final account as approved by the court, decree of distribution, or other pertinent court records, supplemented, if there are two or more persons having an apparent interest in the bond, by an agreement executed by them concerning the disposition of the bond. Form PD 4000 should be used by the person entitled if he wishes to name a coowner or beneficiary.

§ 315.73 Estates not administered.

(a) *Special provisions under State laws.*—If, under State law, a person has been recognized or appointed to receive or distribute the assets of a decedent's estate without regular administration, his request for payment or reissue of a bond to the person or persons entitled will be accepted provided he submits appropriate evidence of his authority.

(b) *Agreement of persons entitled.*—When it appears that no legal representative of a decedent's estate has been or will be appointed, the bond will be paid to, or reissued in the name of, the person or persons entitled, including those entitled as donees of a gift causa mortis, pursuant to an agreement and request by all persons entitled to share in the decedent's personal estate. A form of agreement for settlement without administration, Form PD 1946-1, should be used for cases in which the total face amount of bonds and redemption and interest checks belonging to the decedent's estate is in excess of $500. If the total face amount does not exceed $500, Form PD 1946 may be used. Should the persons entitled to share in the personal estate include minors or incompetents, payment or reissue of the bonds will not be permitted without administration except to them or in their names, unless their interests are otherwise protected.

Subpart P—Fiduciaries

§ 215.75 Payment.

A savings bond registered in the name of a fiduciary or otherwise belonging to a fiduciary estate will be paid to the fiduciary or fiduciaries in accordance with the provisions of Secs. 315.77 and 315.78.

§ 315.76 Reissue.

(a) *In the name of person entitled—*(1) *Distribution of trust estate in kind.*—A bond to which a beneficiary of a trust estate has become lawfully entitled in his own right or in a fiduciary capacity, in whole or in part, under the terms of a trust instrument, will be reissued in his name to the extent of his interest, upon

the trustee's request and its certification that such person is entitled and has agreed to reissue in his name.

(2) *After termination of trust estate.*—If the person who would be lawfully entitled to a bond upon the termination of a trust does not desire to have distribution made to him in kind, as provided in paragraph (a)(1) of this section, the trustee should present the bond for payment before the estate is terminated. If, however, the estate is terminated without payment or reissue having been made, the bond will thereafter be paid to or reissued in the name of the person lawfully entitled upon his request and satisfactory proof of ownership, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons concerning the disposition of the bond.

(3) *Upon termination of guardianship estate.*—If the estate of a minor or incompetent or of an absentee is terminated during the ward's lifetime, a bond registered to show that there is a representative of the estate will be reissued in the name of the former ward upon the representative's request and certification that the former ward is entitled and has agreed to reissue in his name (Form PD 1455 should be used), or will be paid to or reissued in the name of the former ward upon his own request, supported in either case by satisfactory evidence that his disability has been removed or that an absentee has returned to claim his property. Certification by the representative that a former minor has attained his majority, that a former incompetent has been legally restored to competency, that a legal disability of a female ward has been removed by marriage, if the state law so provides, or that an absentee has appeared to claim his property, will ordinarily be accepted as sufficient (see § 315.77 if the representative's name is not shown in the registration). Upon the termination of the estate as the result of the death of the ward, a bond registered to show that there is a representative of his estate will be reissued in accordance with the provisions of Subpart O of this part.

(4) *Upon termination of life estate.*—Upon the death of a life tenant, a bond registered in his name as life tenant may be reissued in the name of the person or persons entitled pursuant to an agreement and request of all of the persons having an interest in the remainder.

(b) *In the name of a succeeding fiduciary.*—If a fiduciary in whose name a bond is registered has been succeeded by another, the bond will be reissued in the name of the succeeding fiduciary upon appropriate request and satisfactory evidence of successorship. Form PD 1455 should be used.

(c) *In the name of financial institution as trustee of common trust fund.*—A bond held by a bank, trust company, or other financial institution as a trustee, guardian or similar representative, executor or administrator may be reissued in its name as trustee of its common trust fund to the extent that participation therein by the institution in such capacity is authorized by law or applicable regulations. A request for reissue to the institution as trustee of its common trust fund should be executed on its behalf in the capacity in which the bond is held and by the cofiduciary, if any. Form PD 1455 should be used.

§ 315.77 Requests for reissue or payment prior to maturity or extended maturity.

The following rules apply to both requests for reissue and payment by fiduciaries: A request for reissue or payment prior to maturity, or final extended maturity, as appropriate, must be signed by all acting fiduciaries unless by express statute, decree of court, or the terms of the instrument under which the fiduciaries are acting, one or more of them may properly execute the request. If the fiduciaries named in the registration are still acting, no further evidence of authority will be required. Otherwise, a request must be supported by evidence as specified below:

(a) *Fiduciaries by title only.*—If the bond is registered in the titles, without the names, of fiduciaries not acting as a board, satisfactory evidence of their incumbency must be furnished, except in the case of bonds registered in the title of public officers as trustees.

(b) *Succeeding fiduciaries.*—If the fiduciaries in whose names the bond is registered have been succeeded by other fiduciaries, satisfactory evidence of successorship must be furnished.

(c) *Boards, committees, etc.*—A savings bond registered in the name of a board, committee, commission, or other body, empowered to act as a unit and to hold title to the property of a religious, educational, charitable, or nonprofit organization or public corporation will be paid upon a request for payment signed in the name of the board or other body by an authorized officer or employee thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the signer's authority. The check in payment of the bond will be drawn in the name of the board or other body as fiduciary for the organization named in the registration or shown by satisfactory evidence to be entitled as successor thereto.

(d) *Corporate fiduciaries.*—If a public or private corporation or a political body, such as a state or county, is acting as a fiduciary, a request must be signed in the name of the corporation or other body, in the fiduciary capacity in which it is acting, by an authorized officer thereof. A request so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.

(e) *Registration not disclosing trust or other fiduciary estate.*—If the registration of the bond does not show that it belongs to a trust or other fiduciary estate or does not identify the estate to which it belongs, satisfactory evidence of ownership must be furnished in addition to any other evidence required by this section.

§ 315.78 Requests for payment at or after maturity.

A request, signed by any one or more acting fiduciaries, for payment at or after the maturity date, or an extended maturity date for bonds having extended maturity periods, will be accepted. Payment ordinarily will be made by check drawn as the bond is inscribed.

Subpart Q—Private Organizations (Corporations, Associations, Partnerships, Etc.) and Governmental Agencies, Units and Officers

§ 315.80 Payment to corporations or unincorporated associations.

A savings bond registered in the name of a private corporation or an unincorporated association will be paid to the corporation or unincorporated association upon a request for payment on its behalf by a duly authorized officer thereof. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by John Jones, President," or "The Lotus Club, an unincorporated association, by William A. Smith, Treasurer." A request for payment so signed and duly certified will ordinarily be accepted without further evidence of the officer's authority.

§ 315.81 Payment to partnerships.

A savings bond registered in the name of an existing partnership will be paid upon a request for payment signed by a general partner. The signature to the request should be in the form, for example, "Smith and Jones, a partnership, by John Jones, a general partner." A request for payment so signed and duly certified will ordinarily be accepted as sufficient evidence that the partnership is still in existence and that the person signing the request is duly authorized.

§ 315.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.

A savings bond registered in the name of a private corporation, an unincorporated association, or a partnership which has been succeeded by another corporation, unincorporated association, or partnership by operation of law or otherwise, as the result of merger, consolidation, incorporation, reincorporation, conversion, or reorganization, or which has been lawfully succeeded in any manner whereby the business or activities of the original organization are continued without substantial change, will be paid to or reissued in the name of the succeeding organization upon appropriate request on its behalf, supported by satisfactory evidence of successorship. Form PD 1540 should be used.

§ 315.83 Reissue or payment on dissolution of corporation or partnership.

(a) *Corporations.*—A savings bond registered in the name of a private corporation which is in the process of dissolution will be paid to the authorized representative of the corporation upon a duly executed request for payment, supported by satisfactory evidence of the representative's authority. Upon the termination of dissolution proceedings,

the bond may be reissued in the names of those persons, other than creditors, entitled to the assets of the corporation, to the extent of their respective interests. Reissue under this subsection will be made upon the duly executed request of the authorized representative of the corporation and upon proof that all statutory provisions governing the dissolution of the corporation have been complied with and that the persons in whose names reissue is requested are entitled and have agreed to the reissue. If the dissolution proceedings are under the direction of a court, a certified copy of an order of the court, showing the authority of the representative to make the distribution requested must be furnished.

(b) *Partnerships.*—A savings bond registered in the name of a partnership which has been dissolved by death or withdrawal of a partner, or in any other manner, will be paid upon a request for payment by any partner or partners authorized by law to act on behalf of the dissolved partnership, or will be paid to or reissued in the names of the persons entitled as the result of such dissolution to the extent of their respective interests, except that reissue will not be made in the names of creditors. The request must be supported by satisfactory evidence of entitlement, including proof that the debts of the partnership have been paid or properly provided for. Form PD 2514 should be used.

§ 315.84 Payment to institutions (churches, hospitals, homes, schools, etc.).

A savings bond registered in the name of a church, hospital, home, school, or similar institution without reference in the registration to the manner in which it is organized or governed or to the manner in which title to its property is held will be paid upon a request for payment signed on behalf of such institution by an authorized representative. For the purpose of this section, a request for payment signed by a pastor of a church, superintendent of a hospital, president of a college, or by any official generally recognized as having authority to conduct the financial affairs of the particular institution will ordinarily be accepted without further proof of his authority. The signature to the request should be in the form, for example, "Shriners' Hospital for Crippled Children, St. Louis, Missouri, by William A. Smith, superintendent," or "St. Mary's Roman Catholic Church, Albany, New York, by Rev. John Jones, pastor."

§ 315.85 Reissue in name of trustee or agent for reinvestment purposes.

A savings bond registered in the name of a religious, educational, charitable or nonprofit organization, whether or not incorporated, may be reissued in the name of a bank, trust company or other financial institution, or an individual, as trustee or agent under an agreement with the organization under which the trustee or agent holds funds of the organization, in whole or in part, for the purpose of investing and reinvesting the principal and paying the income to the organization. Form PD 2177 should be used and should be signed on behalf of the organization by an authorized officer.

§ 315.86 Reissue upon termination of investment agency.

A savings bond registered in the name of a bank, trust company, or other financial institution, or individual, as agent for investment purposes only, under an agreement with religious, educational, charitable, or nonprofit organization, may be reissued in the name of the organization upon termination of the agency. The former agent should request such reissue and should certify that the organization is entitled by reason of the termination of the agency, using Form PD 1455. If such request and certification are not obtainable, the bond will be reissued in the name of the organization upon its own request, supported by satisfactory evidence of the termination of the agency.

§ 315.87 Payment to governmental agencies and units.

A savings bond registered in the name of a state, county, city, town, or village, or in the name of a Federal, State, or local governmental agency, such as a board, commission, or corporation, will be paid upon a request signed in the name of the governmental agency or unit by a duly authorized officer thereof. A request for payment so signed and duly certified will ordinarily be accepted without further proof of the officer's authority.

§ 315.88 Payment to government officers.

A savings bond registered in the official title of an officer of a governmental agency or unit will be paid upon a request for payment signed by the designated officer. The fact that the request for payment is so signed and duly certified will ordinarily be accepted as proof that the person signing is the incumbent of the designated office.

Subpart R—Miscellaneous Provisions

§ 315.90 Waiver of regulations.

The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of these regulations in any particular case or class of cases for the convenience of the United States of America or in order to relieve any person or persons of unnecessary hardship, if such action would not be inconsistent with law and would not impair any existing rights, and if he is satisfied that such action would not subject the United States of America to any substantial expense or liability.

§ 315.91 Additional requirements; bond of indemnity; social security numbers.

The Secretary of the Treasury may require (a) such additional evidence as he may consider necessary or advisable, (b) a bond of indemnity, with or without surety, in any case in which he may consider such a bond necessary for the protection of the interests of the United States of America, and (c) that appropriate social security numbers be furnished for reissue or payment of any savings bond.

§ 315.92 Preservation of rights.

Nothing contained in these regulations shall be construed to limit or restrict existing rights which holders of savings bonds heretofore issued may have acquired under the circulars offering the bonds for sale or under the regulations in force at the time of purchase.

§ 315.93 Supplements, amendments, or revisions.

The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory, or revised rules and regulations governing United States Savings Bonds.

[FR Doc.73-19148 Filed 9-7-73;8:45 am]

federal register

MONDAY, SEPTEMBER 10, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 174

PART III

WATER RESOURCES COUNCIL

■

WATER AND RELATED LAND RESOURCES

Establishment of Principles and Standards for Planning

WATER RESOURCES COUNCIL

PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Notice of Establishment

1. Notice is hereby given by the Water Resources Council that Principles and Standards for Planning Water and Related Land Resources have been established pursuant to sec. 103 of the Water Resources Planning Act (P.L. 89–80).

2. The full texts of the Principles and Standards are published as a part of this notice.

3. These Principles and Standards are based on several years of effort by the Water Resources Council. After extensive study, review, field testing and public hearings, the Council published on December 21, 1971, "Proposed Principles and Standards for Planning Water and Related Land Resources" (36 FR 24144) along with a draft environmental statement, and invited public comment on the proposal. Extensive views and comments were received through oral statements at the public hearings held on the proposal and through written submission to the Council during the period allowed for comment.

4. After careful consideration of the public response to its proposal, consultation with all concerned Federal agencies, including the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency, the Council made its decisions on the proposal and forwarded its recommendations to the President.

5. Indicated below are the areas, listed by subject, where the Council has made revisions in the Principles and Standards.

(1) Planning objectives.
(2) Discount rate.
(3) Retroactive application, "Grandfather Clause".
(4) Cost allocation.
(5) Public participation.
(6) Water quality evaluation.
(7) Use of economic (OBERS) projections.
(8) Unemployed and underemployed resources.
(9) Application of benefit/cost ratio.
(10) Feasible project alternatives.
(11) Impact of benefits on income distribution.

6. Revisions in the Principles and Standards are reflected as appropriate in the final environmental statement which is printed as a part of this notice. The final statement also indicates the availability of a summary of the comments received on the draft environmental statement and the availability of the original transcripts of the testimony composing the public record. The draft and final environmental statements illustrate how the Principles and Standards, by providing for explicit consideration of the environmental quality objective in plan formulation, augment the National Environmental Policy Act in fostering a full disclosure of environmental consequences.

7. Pursuant to sec. 103 of the Water Resources Planning Act (P.L. 89–80) the President approved the Principles and Standards as they appear herein.

8. The Principles and Standards are effective October 25, 1973.

ROGERS C. B. MORTON,
Chairman.

The United States Water Resources Council, an independent Executive Agency of the U. S. Government, is composed of the Secretaries of Interior; Agriculture; Army; Health, Education, and Welfare; Transportation; Chairman, Federal Power Commission; with participation by the Secretaries of Commerce; Housing and Urban Development; Administrator, Environmental Protection Agency; Attorney General, Department of Justice; Director, Office of Management and Budget; Chairman, Council on Environmental Quality; and the Chairmen, River Basin Commissions. Council activities encourage the conservation, development and utilization of water and related land resources on a comprehensive and coordinated basis by Federal, State, local government and private enterprise.

WATER RESOURCES COUNCIL

MEMBERS	ALTERNATES
Rogers C. B. Morton, Chairman, Secretary of the Interior.	Jack O. Horton, Assistant Secretary.
Earl L. Butz, Secretary of Agriculture.	Robert W. Long, Assistant Secretary.
Howard H. Callaway, Secretary of the Army.	Charles R. Ford, Acting Special Assistant.
Caspar W. Weinberger, Secretary of Health, Education, and Welfare.	Merlin K. DuVal, Assistant Secretary.
Claude S. Brinegar, Secretary of Transportation.	Chester R. Bender, Commandant, U. S. Coast Guard.
John N. Nassikas, Chairman, Federal Power Commission.	George G. Adkins, Chief, Division of River Basins.

ASSOCIATE MEMBERS	ALTERNATES
Frederick B. Dent, Secretary of Commerce.	Robert M. White, Administrator, National Oceanic and Atmospheric Administration.
James T. Lynn, Secretary of Housing and Urban Development.	Clifford W. Graves, Deputy Assistant Secretary.
John R. Quarles, Jr., Deputy Administrator, Environmental Protection Agency.	

OBSERVERS	ALTERNATES
Roy L. Ash, Director, Office of Management and Budget.	John C. Sawhill, Associate Director.
Elliot L. Richardson, Attorney General, Department of Justice.	Wallace H. Johnson, Assistant Attorney General.
Russell E. Train, Chairman, Council on Environmental Quality.	Stephen F. Sloan, Staff Member.
Donel J. Lane, Chairman, Pacific Northwest River Basins Commission.	
R. Frank Gregg, Chairman, New England River Basins Commission.	
Frederick O. Rouse, Chairman, Great Lakes Basin Commission.	
Fred E. Morr, Chairman, Ohio River Basin Commission.	

OBSERVERS (cont'd)

John W. Neuberger,
Chairman, Missouri River Basin Commission.

George W. Griebenow,
Chairman, Upper Mississippi River Basin Commission

REPRESENTATIVES OF THE MEMBERS

Water Resources Council. . . . . Reuben J. Johnson,
Acting Director.

Department of Agriculture . . . . . William B. Davey.
Eugene C. Buie.

Department of the Army . . . . . B. Joseph Tofani.
Kenneth H. Murdock.

Department of Health,
Education, and Welfare. . . . . Jesse L. Steinfeld.
Richard S. Green.

Department of the Interior . . . . . Lance Marston.
Jack C. Jorgensen.

Department of Transportation . . . . . William R. Riedel.
William D. Derr.

Federal Power Commission . . . . . George G. Adkins.

Department of Commerce . . . . . Donald R. Baker.
K. L. Kollar.

Department of Housing and . . . . . James F. Miller,
Urban Development Truman Goins.

Environmental Protection . . . . . Mark A. Pisano.
Agency Joseph A. Krivak.

Office of Management and . . . . . Thomas W. Barry.
Budget Donald G. Waldon.

REPRESENTATIVES OF THE MEMBERS (cont'd)

Department of Justice . . . . . Walter Keichel, Jr.

Council on Environmental Quality. . . . . Stephen F. Sloan.

PRINCIPLES, STANDARDS, AND PROCEDURES FOR WATER AND RELATED LAND RESOURCES PLANNING

The Principles provide the broad policy framework for planning activities and include the conceptual basis for planning.

The Standards provide for uniformity and consistency in comparing, measuring, and judging beneficial and adverse effects of alternative plans.

The Procedures provide more detailed methods for carrying out the various levels of planning activities, including the selection of objectives, the measurement of beneficial and adverse effects, and the comparison of alternative plans for action. Procedures are developed within the framework of Principles and the uniformity of Standards but will vary with the level of planning, the type of program, and the state-of-the-art of planning.

As indicated by these definitions, the concepts of Principles, Standards, and Procedures will evolve and change. Principles, reflecting major public policy and basic public investment theory, will change and evolve slowly. Standards, representing the best available techniques for the application of Principles, will change more frequently than Principles, as progress in the development of planning and evaluation techniques takes place. Procedures, detailed methods for the application of the Principles and Standards, will be subject to even more frequent revisions as experience, research, and planning conditions require such revision.

I. Purpose and scope.
II. Objectives.
III. Other beneficial and adverse effects.
IV. General evaluation principles.
V. Plan formulation.
VI. System of accounts.
VII. Cost allocation, reimbursement, and cost sharing.
VIII. National program for Federal and federally assisted activities.
IX. Implementation of principles.
X. Application and effect.

I. PURPOSE AND SCOPE

These Principles are established for planning the use of the water and related land (hereinafter referred to as water and land) resources of the United States to achieve objectives, determined cooperatively, through the coordinated actions of the Federal, State, and local governments; private enterprise and organizations; and individuals.

These Principles provide the basis for Federal participation with river basin commissions, States, and others in the preparation, formulation, evaluation, review, revision, and transmittal to the Congress of plans for States, regions, and river basins; and for planning of Federal and federally assisted water and land resources programs and projects and Federal licensing activities as listed in the Standards.

Plans for the use of the Nation's water and land resources will be directed to improvement in the quality of life through contributions to the objectives of national economic development and environmental quality. The beneficial and adverse effects on each of these objectives will be displayed in separate accounts with other accounts for the beneficial and adverse effects on regional development and social well-being. Planning for the use of water and land resources in terms of these objectives will aid in identifying alternative courses of action and will provide the type of information needed to improve the public decisionmaking process.

II. OBJECTIVES

Existing or projected needs and problems expressed by the people through their local, State, regional, or national institutions have created a need for water and land resource management and use. These needs and problems are of such a multigovernmental nature that their resolution requires cooperation and coordination by many levels of government and private interests.

The overall purpose of water and land resource planning is to promote the quality of life, by reflecting society's preferences for attainment of the objectives defined below:

A. to enhance national economic development by increasing the value of the Nation's output of goods and sevices and improving national economic efficiency.

B. To enhance the quality of the environment by the management, conservation, preservation, creation, restoration, or improvement of the quality of certain natural and cultural resources and ecological systems.

For each alternative plan there will be a complete display or accounting of relevant beneficial and adverse effects on these two objectives.

Beneficial and adverse effects are measured in monetary or nonmonetary terms. Estimating these beneficial and adverse effects is undertaken in order to measure and display in appropriate accounts the net changes, with respect to the two objectives, that are generated by alternative plans.

The priorities and preferences of the various individuals affected will vary and, accordingly, there will likely not be full agreement among all affected on whether certain effects are beneficial or adverse or on the relative trade offs between objectives. However, when any plan is recommended from among alternative plans, there is an implicit expression of what is considered to be the affected group's priorities and preferences.

Effects on some components of the two objectives are generally regarded as favorable. These include, for example, gains in national output. For other components, however, preferences will differ. This will certainly be true of some of the components making up the environmental quality objective. For such instances, planning provides information which should facilitate planning decisions and reduce conflict over such decisions.

Thus, there are beneficial and adverse effects for national economic development and environmental quality. These are measured in quantitative units or qualitative terms appropriate to a particular effect. The accounts are not mutually exclusive with respect to beneficial or adverse effects, and final decisions as to the selection of the recommended plan will be made by considering the differences among alternative plans as to all their effects.

A. Beneficial Effects on National Economic Development

Beneficial effects to be displayed in the national economic development account are increases in the value of the output of goods and services and improvements in national economic efficiency resulting from a plan. These include:

a. The value to users of increased outputs of goods and services; and

b. The value of output resulting from external economies.

B. Adverse Effects on National Economic Development

Adverse effects of a plan to be displayed in the national economic development account include:

a. The value of resources required for or displaced by a plan; and

b. Losses in output resulting from external diseconomies.

C. Beneficial and Adverse Effects on Environmental Quality

The beneficial and adverse effects of alternative plans on the environmental characteristics of the area under study or elsewhere in the Nation will be evaluated. Environmental effects will be displayed in terms of relevant physical and ecological criteria or dimensions, including the appropriate qualitative aspects. Such an evaluation would be displayed in the environmental quality account and include the effects of the proposed plan on:

a. Open and green space, wild and scenic rivers, lakes, beaches, shores, mountains and wilderness areas, estuaries, and other areas of natural beauty;

b. Archeological, historical, biological, and geological resources and selected ecological systems;

c. The quality of water, land, and air resources; and

d. Irreversible commitments of resources to future uses.

III. OTHER BENEFICIAL AND ADVERSE EFFECTS

For each alternative plan, the beneficial and adverse effects on regional development and social well-being will be displayed where appropriate.

A. Beneficial and Adverse Effects on Regional Development

The following beneficial or adverse effects of the proposed plan on a system of relevant planning regions (States, river basins, or communities) will be displayed where appropriate.

a. Income effects

(1) Beneficial.

(a) The value of increased outputs of goods and services resulting from a plan accruing within relevant regions; and

(b) The value of output resulting from external economies accruing within relevant regions.

(2) Adverse.

(a) The value of resources within relevant regions required for or displaced by a plan.

(b) Losses in output resulting from external diseconomies within the relevant regions.

b. Beneficial and adverse effects on other components of regional development.

(1) The number and types of jobs resulting from a plan in the region under consideration;

(2) Effects of the plan on population distribution within the region under consideration and among regions in the Nation;

(3) The effect of the plan on the economic base and economic stability of the region under consideration;

(4) The effect of the plan on the environment in the region under consideration; and

(5) The effect of the plan on other specified components of regional development.

B. Beneficial and Adverse Effects on Social Well-Being

The beneficial and adverse effects of a plan to be displayed where appropriate in the social well-being account include:

a. Real income distribution. The effects of a plan on the real income of classes or groups that are relevant to the evaluation of a plan will be displayed. All effects, both monetary and income in kind, will be included in this display.

b. Life, health, and safety. Plan effects on life, health, and safety other than those evaluated monetarily for the national economic development objective will be included here. Measurement techniques will vary but would largely be in terms of physical units.

c. Educational, cultural, and recreational. The effect of the plan on educational, cultural, and recreational opportunities.

d. Emergency preparedness. The effects of the plan on reserve capacities and flexibilities in water resource systems and protection against interruption of the flow of essential goods and services at times of national disaster or critical need will be displayed.

e. Other. Other effects on social well-being may be identified and displayed as relevant to alternative plans.

IV. GENERAL EVALUATION PRINCIPLES

A. General Setting

Full employment will be assumed except where local areas of chronic unemployment, underemployment, or other conditions indicate otherwise. Plan formulation and evaluation will be based on national and regional projections of employment output, and population and the amounts of goods and services that are likely to be demanded. Actual or projected needs for water and land resources will be related to these projections. Alternative plans will take into account established standards and goals for the quality of the environment and other factors.

B. Measurement of Beneficial and Adverse Effects

Beneficial and adverse effects of each alternative plan will be determined by comparing the conditions expected with the plan to the conditions expected without the plan. Since substantial changes may be expected even in the absence of the plan, care should be taken that this fact is properly reflected in plan formulation and evaluation.

C. Price Relationships

When prices are used in evaluation they should reflect the real exchange values expected to prevail over the period of analysis. For this purpose, relative price relationships and the general level of

prices prevailing during the planning study will be assumed to hold generally for the future, except where specific studies and considerations indicate otherwise.

D. The Discount or Interest Rate

The discount rate will be established in accordance with the concept that the Government's investment decisions are related to the cost of Federal borrowing.

E. Consideration and Comparison of Alternatives

A range of possible alternatives capable of application by various levels of government and by nongovernmental interests, should be studied. These alternatives should be evaluated or judged as to their contributions to the objectives.

Plans, or increments thereto, will not be recommended for Federal development that, although they have beneficial effects on the objectives, would physically or economically preclude alternative non-Federal plans which would likely be undertaken in the absence of the Federal plan and which would more effectively contribute to the objectives when comparably evaluated according to these principles.

F. Period of Analysis

The period of analysis will be the lesser of (1) the period of time over which the plan can reasonably be expected to serve a useful purpose considering probable technological trends affecting various alternatives, or (2) the period of time when further discounting of beneficial and adverse effects will have no appreciable effects on design. Appropriate consideration will be given to long-term environmental and social well-being effects which may extend beyond periods significant for analysis of national economic development or regional development beneficial and adverse effects.

G. Scheduling

Plans should be scheduled for implementation in relation to needs so that desired beneficial effects are achieved efficiently. Beneficial and adverse effects occurring according to different patterns in time are affected differently by the discount process when plans are scheduled for implementation at alternative future times. Therefore,

plan formulation should analyze the alternative schedules of implementation to identify the schedule that would result in the most desirable mix of contributions to the objectives when the beneficial and adverse effects of a plan are appropriately discounted.

H. Risk and Uncertainty

Risk is characterized by a distribution of events occurring according to reasonably well-known probabilities, even though their sequence and time of occurrence cannot be determined. Frequency analysis in hydrology, where long records are available or can be mathematically simulated, is an example of predictable risk. In such situations, it may be necessary to choose between planning for average or probable conditions and planning for extreme events. When this is done, the nature of the choice and its relationship to the objectives will be clearly stated. Predictable risk; based upon past experience, should not be divorced from predictable or foreseeable trends which would alter probabilities based solely upon previous experience.

Uncertainty is characterized by the absence of any known probability distribution of events. This is often the situation in water resources planning. The nature of uncertainty associated with the planning study, strategies proposed to deal with uncertainty, and their impact on the objectives should be reported. In addition, sensitivity analysis may be employed to analyze uncertain situations.

I. Sensitivity Analysis

Plans should be examined to determine their sensitivity to data availability and to alternative assumptions as to future economic, demographic, environmental, and technologic trends. Selected projections and assumptions of alternative futures that are reasonably probable and that, if realized, would appreciably affect plan design or scheduling should be analyzed.

J. Updating Plans

Because, of rapid change in social economic, environmental, technologic, physical, and other factors, a plan that is not implemented within a reasonable time after completion should be reviewed as provided in the standards to ascertain whether it continues to be the best alternative to achieve the objectives.

V. PLAN FORMULATION

Plans will be directed to the improvement in the quality of life by meeting current and projected needs and problems as identified by the desires of people in such a manner that improved contributions are made to society's preferences for national economic development and environmental quality. These plans should be formulated to reflect national, regional, State, and local needs or problems consistent with the above two objectives.

Planning of water and land resources is a part of broader public and private planning to meet regional and local needs and to alleviate problems. Therefore, planning for water and land resources should be carefully related to other regional or local planning activities and should include active participation of all interests.

Plans for water and land resources will focus upon the specified components of the objectives desired for the designated region, river basin, State, or local planning setting. These are expressed in terms of projected needs and problems identified in each planning setting.

The planning process includes the following major steps:

(1) Specify components of the objectives relevant to the planning setting;

(2) Evaluate resource capabilities and expected conditions without any plan;

(3) Formulate alternative plans to achieve varying levels of contributions to the specified components of the objectives;

(4) Analyze the differences among alternative plans which reflect different emphasis among the specified components of the objectives;

(5) Review and reconsider, if necessary, the specified components for the planning setting and formulate additional alternative plans as appropriate; and

(6) Select a recommended plan from among the alternative plans based upon an evaluation of the trade offs between the objectives of national economic development and environmental quality and considering, where appropriate, the effects of the plans on regional development and social well-being.

A. Specification of Components of the Objectives

At the outset and throughout the planning process, the responsible planning organization will consult appropriate Federal, regional, State, and local groups to ascertain the components of the objectives that are significantly related to the use and management of the resources in the planning setting. These will be expressed in terms of needs and problems.

The components selected for use in formulating alternative plans should be of concern to the Nation, and the components should be those that can reasonably be expected to be substantially influenced through the management and development alternatives available to the planner. The components of objectives for which plans are formulated can be expected to change over time and between areas of the Nation as preferences and possibilities change and differ. These changes will be reflected in the Water Resources Council's Standards.

The objectives for which plans are formulated can also be expected to change over time as preferences and possibilities change. Changes in objectives will be accommodated only through revision of these principles.

The specified components will be defined so that meaningful alternative levels of achievement are identified. This will facilitate the formulation of alternative plans in cases where there may be technical, legislative, or administrative constraints to full achievement of objectives.

B. Evaluation of Conditions Without a Plan

The identification of the specified components of objectives will necessarily involve an appraisal of future economic and environmental conditions expected without the plan as compared with those desired by people for the planning area. In addition, a sufficient inventory and appraisal of the water and land resource base of the planning area will be necessary.

C. Formulation of Alternative Plans

The planning process involves an evaluation of alternative means, including both structural and nonstructural measures, to achieve desired effects.

Based upon identified needs and problems, alternative plans will be prepared and evaluated in the context of their contributions to the objectives. This involves comparisons between objectives, and it will be necessary to formulate alternative plans that reflect different relative emphasis between the objectives for the planning setting.

The number of alternative plans to be developed for each planning effort will depend upon complementarities or conflicts among specified components of the objectives, resource capabilities, technical possibilities, and the extent to which the design of additional alternative plans can be expected to contribute significantly to the choice of a recommended plan. Because planning staffs are limited, emphasis should be placed on examination of those alternative waters and land-use plans which may have appreciable effects on objectives.

With respect to the number of alternative plans there will be a continuing dialog among the Water Resources Council, river basin commissions, and other planning groups, emphasizing on the one hand the need for national guidelines and overview of objectives for which alternative plans are formulated, and on the other the special insights into local planning situations that field level teams may develop.

Appropriate methods and techniques for estimating beneficial and adverse effects will be used to provide reliable estimates of the consequences and feasibility of each alternative plan.

One alternative plan will be formulated in which optimum contributions are made to the national economic development objective. Additionally, during the planning process at least one alternative plan will be formulated which emphasizes the contributions to the environmental quality objective. Other alternative plans reflecting significant physical, technological, legal or public policy constraints or reflecting significant trade-offs between the national economic development and environmental quality objectives may be formulated so as not to overlook a best overall plan.

Major increments proposed for addition to a plan intended to serve a single component of an objective will be included only if the beneficial effects on that component of the addition outweigh the adverse effects. For example, an increment to an alternative plan proposed for the national economic development objective would be added only if the additional beneficial effects exceeded the additional adverse effects, and similarly for the environmental quality objective. For plans emphasizing some combination of objectives, the incremental rule applies to the combination of objectives that is relevant.

D. Analysis of Alternative Plans

The display of beneficial and adverse effects for each alternative plan will be prepared so that the differences among alternatives can be clearly shown and accurately analyzed. The analysis will provide the rationale for the selection of a recommended plan and the underlying evaluation of the various alternative plans. This analysis will provide the information on which the planning organization and others can base judgments as to the most desirable mix of beneficial effects as compared with the adverse effects.

The trade offs among alternative plans should be displayed as fully as possible for the components of all objectives and where appropriate for effects on regional development and social well-being to facilitate administrative and legislative review and decision.

E. Reconsideration of Specified Components of the Objectives

As planning proceeds, the specified components will be reviewed and reconsidered as appropriate. This reconsideration may result from new information, revised projections, changes in policy, or technological innovations. Reconsideration of components may result in modifying alternatives or developing additional alternative plans.

F. Plan Selection

From its analysis of alternative plans, the planning organization will select a recommended plan. The plan selected will reflect the relative importance attached to different objectives and the extent to which the two objectives can be achieved by carrying out the plan.

The recommended plan should be formulated so that beneficial and adverse effects toward objectives reflect, to the best of current understanding and knowledge, the priorities and preferences expressed by the public at all levels to be affected by the plan. A recommended plan must have net national economic development benefits unless the deficiency in net benefits for the national economic development objective is the result of benefits foregone or additional costs incurred to serve the environmental quality objective. In such cases, a plan with a less than unity benefit-cost balance may be recommended as long as the net deficit does not exceed the benefits foregone and the additional costs incurred for the environmental quality objective. A Departmental Secretary or head of an independent agency may make an exception to the net benefits rule if he determines that circumstances unique to the plan formulation process warrant such exception.

In addition to the recommended plan with supporting analysis, other significant alternative plans embodying different priorities between the objectives will be presented in the planning report. Included with the presentation of alternative plans will be an analysis of the trade offs among them. The trade offs will be set forth in explicit terms, including the basis for choosing the recommended plan from among the alternative plans.

VI. SYSTEM OF ACCOUNTS

A system of public information accounts will be established that displays beneficial and adverse effects of each plan to the objectives and beneficial and adverse effects on regional development and social well-being and provides a basis for comparing alternative plans. The display of beneficial and adverse effects will be prepared in such manner that the different levels of achievement in each account can be readily discerned and compared, indicating the trade offs among alternative plans.

For purposes of accounting, the distribution of beneficial and adverse effects will be shown to whomsoever they accrue. This will include display of the distribution of effects to regions, income classes, and interest groups relevant to the particular plan and will reflect the cost information specified in Section VII below. The system of accounts will display the beneficial and adverse effects in relevant regions in relation to the rest of the Nation. The Water Resources

Council will establish a procedure for relating regional accounts to the rest of the Nation. The use of such reporting regions will not, however, rule out the use of other regions whose delineations are important in measuring beneficial or adverse effects on regional development.

VII. COST ALLOCATION, REIMBURSEMENT, AND COST SHARING

A. Cost Allocation

On the basis of the identification provided for in the system of accounts for beneficial and adverse effects, an allocation of appropriate costs shall be made when an allocation of costs is required for purposes of establishing reimbursement levels, pricing policies, or cost sharing between the Federal Government and non-Federal public and private interests. Each objective and each component of the objectives shall be treated comparably in cost allocation and each is generally entitled to its fair share of the mutual advantages resulting from a plan.

B. Reimbursement and Cost Sharing

Reimbursement and cost-sharing policies shall be directed generally to the end that identifiable beneficiaries bear an equitable share of cost commensurate with beneficial effects received in full cognisance of the planning objectives. Since existing cost-sharing policies are not entirely consistent with this approach to planning water and land resources, these policies are being thoroughly reviewed after which changes will be recommended.

VIII. NATIONAL PROGRAM FOR FEDERAL AND FEDERALLY ASSISTED ACTIVITIES

The principles set forth in this document are concerned with alternative plans for individual projects, States, regions, or river basins. The evaluation, systematic display, and comparison of alternative plans for a project, State, region, or river basin provide the basis for selecting a recommended plan.

The formulation of national programs for Federal and federally assisted water and land resource activities requires that priorities be established among recommended plans for projects, States, regions, and river basins. The system of accounts, together with other criteria, such as available budget resources, national policy toward the environment and public and private investment alternatives, will provide a basis for formulating national programs.

IX. IMPLEMENTATION OF PRINCIPLES

The Water Resources Council will implement these Principles by establishing Standards for planning water and land resources in accordance with the Water Resources Planning Act.

The Water Resources Council will establish Procedures as necessary to carry out the established Principles and Standards.

Included in the Water Resources Council's Standards and Procedures will be provision for coordination, among Federal and State agencies and among public and private interests affected by water and land resource plans.

The Council will also specify appropriate Procedures for the review and transmission of planning reports to States, Federal agencies, the Office of Management and Budget, the Council on Environmental Quality, and the Congress. The Council may also provide for review of individual project studies to determine their relationships to regional and river basin plans and their conformance with the Council's evaluation Standards. The Council will consider any unresolved coordination problem.

The Water Resources Council will foster needed training and development of manpower, improvements in mathematical and other planning tools, and research to increase the efficiency of planning efforts. The Principles, Standards, and Procedures should be based at any given time on the best available interpretation of conceptual and impirical bases for planning water and land resources. The Council will encourage and support needed improvements in the application of the conceptual and theoretical planning and decisionmaking framework upon which these Principles are based. The Council will also encourage and support improvement in the conceptual and theoretical framework.

The Council in its Standards and Procedures will make adjustments for deviations from the Principles that may be required by law or Executive order.

The Water Resources Council will review these Principles from time to time and after consultation with others will recommend improvements for consideration of the President.

X. APPLICATION AND EFFECT

These Principles for Planning Water and Land Resources shall be implemented by the Water Resources Council and shall be applied by river basin commissions, other Federal-State organizations, and each of the Federal departments and agencies. The Office of Management and Budget, the Council on Environmental Quality, and other organizations in the Executive Office of the President will use these Principles in their review of proposed project, basin, or regional plans.

The Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources, approved by the President, May 15, 1962, printed as Senate Document No. 97, 87th Congress, 2d Session, together with Supplement No. 1 thereto, June 4, 1964, "Evaluation Standards for Primary Outdoor Recreation Benefits," and the amendment of December 24, 1968, 18 CFR § 704.39, "Discount Rate," are revoked.

These Principles, the Standards promulgated in connection therewith, and the above revocation shall take effect 45 days following the date of their publication by the Chairman of the Water Resources Council in the Federal Register.

Approved: September 5, 1973

Richard Nixon

STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Table of Contents

I. Purpose and scope.
II. Objectives.
III. Other beneficial and adverse effects.
IV. General evaluation standards.
V. Plan formulation.
VI. System of accounts.
VII. Cost allocation, reimbursement, and cost sharing.
VIII. National program for Federal and Federally assisted activities.
IX. Coordination and review of planning studies.

Appendix A. Water Resources Planning Act of 1965, as amended.

I. PURPOSE AND SCOPE

A. Authority

These planning standards implement the Principles for Planning Water and Related Land Resources.

These standards shall apply, as appropriate, to the activities referred to in subsection B of this section except for adjustments required by law or Executive order. Adjustments required for special situations where the application of these standards is not practical may be made and will be developed by the concerned agency or entity in consultation with the Water Resources Council.

Although these standards are not binding upon State and local bodies participating in water and land resources planning, it is intended that the standards be broad and flexible enough to accommodate the goals and objectives of such entities. The standards apply to Federal participation in Federal-State cooperative planning and should also provide a useful guide to State and local planning.

The Water Resources Planning Act of 1965, as amended, is found in Appendix A.

B. Activities Covered

1. Comprehensive planning. These standards apply to Federal participation in comprehensive framework studies and assessments and regional or river basin planning of water and land resources whether carried out--

(a) By river basin commissions established under the Water Resources Planning Act;

(b) By entities performing the functions of a river basin commission, including, but not limited to, such entities as:

(1) Federal-interstate compact commissions;

(2) Federal-State interagency committees;

(3) Federal-State coordinating committees;

(4) Federal-State development commissions;

(5) Lead Federal agency with special authorization for comprehensive planning;

(6) Other entities designated by the Council engaged in comprehensive water and land resource planning with coordinated Federal technical or financial assistance.

In formulating plans to meet the objectives all alternative means shall be considered, including, but not limited to, water and land programs to be carried out directly by the Federal Government, Federal financial and technical participation in water and land programs to be carried out by State or other non-Federal entities, and Federal licensing activities that affect the development, conservation, and utilization of water and land resources.

2. Federal and federally assisted programs and projects. These standards apply to the planning and evaluation of the effects of the following water and land programs, projects, and activities carried out directly by the Federal Government and by State or other entities with Federal financial or technical assistance;

(a) Corps of Engineers civil functions;

(b) Bureau of Reclamation projects;

(c) Federally constructed watershed and water and land programs;

(d) National parks and recreation areas;

(e) Wild, scenic, recreational rivers and wilderness areas;

(f) Wetland and estuary projects and coastal zones;

(g) Federal waterfowl refuges;

(h) Tennessee Valley Authority;

(i) Federal assistance to State and local government sponsored watershed and water and land resource programs (Watershed Protection and Flood Prevention Projects and Resource Conservation and Development Projects).

C. Levels of Planning

These standards apply to all levels of planning as defined by the Water Resources Council.

Framework studies and assessments are the evaluation or appraisal on a broad basis of the needs and desires of people for the conservation, development, and utilization of water and land resources and will identify regions or basins with complex problems which require more detailed investigations and analysis, and may recommend specific implementation plans and programs in areas not requiring further study. They will consider Federal, State, and local means and will consider both national economic development and environmental quality objectives.

Regional or river basin plans are reconnaissance-level evaluation of water and land resources for a selected area. They are prepared to resolve complex long-range problems identified by framework studies and assessments and will vary widely in scope and detail; will involve Federal, State, and local interests in plan formulation; and will identify and recommend action plans and programs to be pursued by individual Federal, State, and local entities. They will consider both national economic development and environmental quality objectives.

Implementation studies are program or project feasibility studies generally undertaken by a single Federal, State, or local entity for the purpose of authorization or development of plan implementation. These studies are conducted to implement findings, conclusions, and recommendations of framework studies and assessments and regional or river basin studies which are found to be needed in the next 10 to 15 years. As with framework studies and regional or river basin plans, they will consider both national economic development and environmental quality objectives.

D. Responsibility for Applying Standards

The Federal chairman and the representatives of the Federal agencies participating in a river basin commission established under the Water Resources Planning Act are responsible for applying these standards.

The study director provided or designated by the Water Resources Council or by river basin commissions (in their areas) and Federal members of coordinating bodies established or designated by the Council to carry out framework studies and assessments and regional or river basin planning studies are responsible for applying these standards.

The administrator of each Federal program or federally assisted program covered under this section is responsible for applying these standards to his program. Each Federal administrator shall follow these standards in establishing agency procedures for evaluation of programs and projects for conservation, development, and utilization of water and land resources.

The Board of Directors of the Tennessee Valley Authority, responsible for framework studies and assessments, regional and river basin planning studies and implementation studies for the Tennessee River Basin, and the Federal representatives of other entities performing the functions of a river basin commission shall apply these standards except for any adjustments required by law or Executive order or for special situations where the application of these standards is not practical.

Proposed Federal agency procedures, and revisions thereto, to implement these standards will be referred to the Water Resources Council for review for consistency with these standards.

E. Schedule for Applying Standards

The principles and standards will apply to all levels of planning studies. For authorized but unfunded projects the principles and standards will be applied on a selective basis to be determined by the head of the agency, with opportunity for suggestions from the Water Resources Council, and other governmental entities. Authorized plans or projects that are substantially reformulated as a result of application of these principles and standards will be submitted to Congress for reauthorization. Separable and independent elements of a project or a system also would be subject to review prior to funding for construction.

II. OBJECTIVES

A. Introduction

The Principles for Planning Water and Land Resources define the objectives of national economic development and environmental quality. These objectives provide the basis for the formulation of State, region, and river basin plans for the use of water and land resources to meet foreseeable short- and long-term needs and have been explicitly stated or implied in numerous congressional enactments and Executive actions. The most notable of these actions in water and related areas are summarized below.

In the Flood Control Act of 1936, the Congress declared that benefits to whomsoever they may accrue of Federal projects should exceed costs. Interpretation of this statute has resulted in development of various analytical procedures to evaluate the benefits and costs of proposed projects. These procedures have centered around a national economic efficiency analysis and were first published as "Proposed Practices for Economic Analysis of River Basin Projects" in May 1950 and revised in May 1958. Budget Bureau Circular No. A-47 was issued on December 31, 1952, informing the agencies of considerations which would guide the Bureau of the Budget in its evaluations of projects and requiring uniform data that would permit comparisons among projects.

On October 6, 1961, the President requested the Secretaries of Interior, Agriculture, Army, and Health, Education, and Welfare to review existing evaluation standards and to recommend improvements. Their report, "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources," was approved by the President on May 15, 1962, and published as Senate Document No. 97, 87th Congress, 2d Session. This document replaced Budget Bureau Circular No. A-47 and in turn has been superseded by the "Principles for Planning Water and Land Resources," upon their approval by the President, and by these "Standards for Planning Water and Land Resources."

By enacting laws and taking actions enumerated below and others, the Congress and the President have broadened the objectives to be considered in water and land resources planning.

The two objectives as defined in the principles and set forth in more detail in these standards provide a flexible planning framework that is responsive to and can accommodate changing national needs and priorities.

Thestatement of the objectives and specification of their components in these standards is without implication concerning priorities to be given to them in the process of plan formulation and evaluation. These standards, nonetheless, do recognize and make provision for a systematic approach by which the general public and decisionmakers can assess the relative merits of achieving alternative levels of satisfaction to the two objectives where there may be conflict, competition, or complementarity between them. This will provide the type of information needed to improve the public decisionmaking process.

B. Major Congressional Directives

Many laws that give new or more definitive directions to Federal participation in planning for water and land resources have been passed in recent years. Some major enactments are:

The Federal Water Project Recreation Act of 1965 (Public Law 89-72), provides for full consideration of opportunities for recreation and fish and wildlife enhancement in Federal projects under specified cost allocation and cost-sharing provisions.

The Water Resources Planning Act of 1965 (Public Law 89-80), establishes a comprehensive planning approach to the conservation, development and use of water and related land resources. The Act emphasizes joint Federal-State cooperation in planning and consideration of the views of all public and private interests. Section 103 of the Act provides that "The Council shall establish, after such consultation with other interested entities, both Federal and non-Federal, as the Council may find appropriate, and with the approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects."

The Act further provides in section 102(b) that "The Council shall . . . maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; it shall appraise the adequacy of existing and proposed policies and programs to meet such requirements; and it shall make recommendations to the President with respect to Federal policies and programs."

The Act also provides in section 301(b) that "The Council, with the approval of the President, shall prescribe such rules, establish such procedures, and make such arrangements and provisions relating to the performance of its functions under this title, and the use of funds available therefor, as may be necessary in order to assure (1) coordination of the program authorized by this title with related Federal planning assistance programs, including the program authorized under section 701 of the Housing Act of 1954 and (2) appropriate utilization of other Federal agencies administering programs which may contribute to achieving the purpose of this Act."

The Water Resources Planning Act, as amended, in attached as Appendix A.

The Public Works and Economic Development Act of 1965 (Public Law 89-136) establishes national policy to use Federal assistance in planning and constructing public works to create new employment opportunities in areas suffering substantial and persistent unemployment and underemployment. The Act provides for establishing Federal-State regional commissions for regions that have lagged behind the Nation in economic development.

The Water Quality Act of 1965 (Public Law 89-234) and subsequent amendments provides for establishing water quality standards for interstate waters. These water quality standards provide requirements and goals that must be incorporated into planning procedures.

In authorizing the Northeastern Water Supply Study in 1965 (Public Law 89-298), Congress recognized that assuring adequate supplies of water for the great metropolitan centers of the United States has become a problem of such magnitude that the welfare and prosperity of this country require the Federal Government to assist in solution of water supply problems.

The Clean Water Restoration Act of 1966 (Public Law 89-753) provides assistance for developing comprehensive water quality control and abatement plans for river basins.

The Department of Transportation Act of 1966 (Public Law 89-670) provides standards for evaluating navigation projects and provides for the Secretary of Transportation to be a member of the Water Resources Council.

The Wild and Scenic Rivers Act of 1968 (Public Law 90-542) provides that in planning for the use and development of water and related land resources consideration shall be given to potential wild, scenic, and recreational river areas in river basin and project plan reports, and comparisons are to be made with development alternatives which would be precluded by preserving these areas.

The National Flood Insurance Act of 1968 (title XIII, Public Law 90-448) provides that States, to remain eligible for flood insurance, must adopt acceptable arrangements for land use regulation in flood-prone areas. This provision, together with Executive Order 11296, August 10, 1966, places increased emphasis on land use regulations and administrative policies as means of reducing flood damages. Planning policies must include adequate provision for these new enactments and directives in an integrated program of flood-plain management.

The Estuary Protection Act of 1968 (Public Law 90-454) outlines a policy of reasonable balance between the conservation of the natural resources and natural beauty of the Nation's estuarine areas and the need to develop such areas to further the growth and development of the Nation.

The National Environmental Policy Act of 1969 (Public Law 91-190) authorizes and directs Federal agencies in the decision-making process to give appropriate consideration to environmental amenities and values, along with technical considerations. The results of this analysis are to be included in proposals for Federal action.

The Environmental Quality Improvement Act of 1970 (title II of Public Law 91-224) further emphasizes congressional interest in improving the environment and the major responsibility that State and local governments have for implementing this policy.

The Flood Control Act of 1970 (Public Law 91-611) requires in Section 122 promulgation of guidelines designed to assure that possible adverse economic, social and environmental effects relating to any proposed project have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for flood control, navigation and associated purposes, and the cost of eliminating or minimizing such adverse effects and the following:

(1) air, noise, and water pollution;

(2) destruction or disruption of man-made and natural resources esthetic values, community cohesion and the availability of public facilities and services;

(3) adverse employment effects and tax and property value losses;

(4) injurious displacement of people, businesses, and farms; and

(5) disruption of desirable community and regional growth.

The same Act also includes in Section 209 the following statement: "It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States and the national economic development are the objectives to be included in federally financed water resource projects, and in the evaluation of benefits and costs attributable thereto, giving due consideration to the most feasible alternative means of accomplishing these objectives."

The Rural Development Act of 1972, Public Law 92-419, provides for improving the economic and living conditions of rural America by broadening and strengthening ongoing programs of financial and technical assistance to farmers and rural communities. It provides for the management of agricultural wastes, storage of water for rural needs, recharge of groundwater, fire protection, long term contract program for land treatment, acquisition of land rights with other Federal funds, farm research, and a land inventory and monitoring program.

The Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, establishes the goals that:

(1) the discharge of pollutants into navigable waters be eliminated by 1985;

(2) an interim goal of water quality be provided for the protection of fish, shellfish and wildlife, and for recreation by July 1, 1983;

(3) the discharge of toxic pollutants in toxic amounts be prohibited;

(4) Federal financial assistance be provided to construct publicly owned waste treatment plants;

(5) water quality and areawide waste treatment management planning include multiobjective water resources and land use planning;

(6) Regional or river basin (Level B) plans be completed by the Water Resources Council for all river basins in the United States by 1980 (Section 209); and that

(7) a major research and demonstration effort be made to develop technology to eliminate the discharge of pollutants.

The Coastal Zone Management Act of 1972, Public Law 92-583, provides for a comprehensive, long range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources; and for annual grants to any coastal State for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone, and for annual grants to any coastal State for not more than 66 2/3 per centum of the costs of administering the State's management program.

C. Relationships of Program Measures to Objectives

Formulating courses of action that effectively contribute to the attainment of the national economic development and environmental quality objectives is the paramount task of water and land resources planning. These actions are only the means by which objectives can be attained. For instance, providing flood control or preserving a scenic river is meaningful only to the extent that such actions contribute to specific needs that can be related to the objectives. Thus, plans are to be formulated in terms of their beneficial or adverse effects on the objectives.

These standards relate primarily to the planning of water and land resource programs that contribute to specified components of the objectives. It is recognized that other programs may also contribute to these objectives. In some instances, water and land programs are the only means or are the most effective means to achieve the objectives. In the usual case, however, it is likely that a combination of water and land programs and other programs will be the most effective means to achieve the desired objectives. In the formulation of plans, therefore, these standards provide for the consideration of the full range of alternatives relevant to the needs for water and land resources.

A given plan formulated for one or several components of the objectives may affect the components of other objectives in a beneficial or adverse manner. This joint effect relationship is a common occurrence

in plan formulation. Its presence necessitates that the full range of effects of plans be shown in terms of specified components of objectives regardless of the size of the effect or the component for which an alternative plan has been formulated.

D. Objectives

1. National economic development. The national economic development objective is enhanced by increasing the value of the nation's output of goods and services and improving national economic efficiency.

National economic development reflects increases in the Nation's productive output, an output which is partly reflected in a national product and income accounting framework designed to measure the continuing flows of goods and services into direct consumption or investment.

In addition, national economic development is affected by beneficial and adverse externalities stemming from normal economic production and consumption, imperfect market conditions, and changes in productivity of resource inputs due to investment. National economic development is also affected by the availability of public goods which are not accounted for in the national product and income accounting framework. Thus, the concept of national economic development is broader than that of national income and is used to measure the impact of governmental investment on the total national output. The gross national product and national income accounts do not give a complete accounting of the value of the output of final goods and services resulting from governmental investments because only government expenditures are included. This is especially true in those situations where governmental investment is required to overcome imperfections in the private market. Therefore, national economic development as defined in these standards is only partially reflected in the gross national product and national income accounting framework.

A similar situation prevails where a private investment results in the production of final public goods or externalities that are not exchanged in the market.

Components of the national economic development objective include:

a. The value of increased outputs of goods and services resulting from a plan. Developments of water and land resources result in increased production of goods and services which can be measured in

terms of their value to the user. Increases in crop yields, expanding recreational use, and peaking capacity for power systems are examples of direct increases in the Nation's output which result from water and related land resources developments. Moreover, such developments often result in a change in the productivity of natural resources and the productivity of labor and capital used with these resources. Increased earnings from changes in land use, reduced disruption of economic activity due to droughts, floods and fluctuating water supplies, and removal of constraints on production through increased water supplies are examples of direct increases in productivity from water and land development that contribute to national output. Development of water and land resources may result in increased production from the employment of otherwise unemployed or underemployed resources, as well as contributions to increased output due to cost savings resulting in the release of resources for employment elsewhere.

b. The value of output resulting from external economies. In addition to the value of goods and services derived by users of outputs of a plan, there may be external gains to other individuals or groups.

2. Environmental quality. The environmental objective is enhanced by the management, conservation, preservation, creation, restoration, or improvement of the quality of certain natural and cultural resources and ecological systems in the area under study and elsewhere in the Nation. This objective reflects society's concern and emphasis for the natural environment and its maintenance and enhancement as a source of present enjoyment and a heritage for future generations.

Explicit recognition should be given to the desirability of diverting a portion of the Nation's resources from production of more conventional market-oriented goods and services in order to accomplish environmental objectives. As incomes and living levels increase, society appears less willing to accept environmental deterioration in exchange for additional goods and services in the market place.

Responsive to the varied spiritual, psychological, recreational, and material needs, the environmental objective reflects man's abiding concern with the quality of the natural physical-biological system in which all life is sustained.

Components of the environmental objective include the following:

a. Management, protection, enhancement, or creation of areas of natural beauty and human enjoyment such as open and green space, wild and scenic rivers, lakes, beaches, shores, mountain and

wilderness areas, and estuaries;

b. Management, preservation, or enhancement of especially valuable or outstanding archeological, historical, biological (including fish and wildlife habitat), and geological resources and ecological systems;

c. Enhancement of quality aspects of water, land, and air by control of pollution or prevention of erosion and restoration of eroded areas embracing the need to harmonize land use objectives in terms of productivity for economic use and development with conservation of the resource;

d. Avoiding irreversible commitments of resources to future uses: While all forms of development and use affect and sometimes change the tenuous balance of fragile aquatic and terrestrial ecosystems, the implication of all possible effects and changes on such systems is imperfectly understood at the present time. In the absence of absolute measures or standards for reliably predicting ecological change, these planning standards emphasize the need for a cautionary approach in meeting development and use objectives in order to minimize or preclude the possibility of undesirable and possible irreversible changes in the natural environment;

e. Others. Given its broad and pervasive nature, it is not practical to specifically identify in these standards all possible components of the environmental quality objective. If other components are recognized, they should be explicitly identified and accommodated in the planning process.

E. Effects on Objectives

For each alternative plan there will be a complete display or accounting of relevant beneficial and adverse effects on the national economic development and environmental quality objectives. Alternative plans will be formulated to optimize their contributions to the two objectives.

Beneficial and adverse effects are measured in both monetary and nonmonetary terms. Estimating these beneficial and adverse effects is undertaken in order to measure and display in appropriate accounts the net changes with respect to particular objectives that are generated by alternative plans.

The priorities and preferences of the various individuals affected will vary and, accordingly, there will likely not be full agreement among all affected on whether certain effects are beneficial or adverse or on the relative trade offs between objectives. However, when any plan is recommended from among alternative plans, there is an implicit expression of what is considered to be the affected group's priorities and preferences.

Effects on some components of the objectives are generally regarded as favorable. These include, for example, gains in national output. For other objectives and components, however, preferences will differ. This will certainly be true of some of the components making up the environmental quality objective. For such instances, planning provides information which should facilitate planning decisions and reduce conflict over such decisions.

1. Relationship of beneficial and adverse effects to objectives. Beneficial and adverse effects will be identified for national economic development and environmental quality objectives and will be displayed. Also, since beneficial and adverse effects may be of a monetary or nonmonetary nature, they may be measured in dollars or in physical, biological, or other quantitative units or qualitative terms as appropriate.

The objectives are not mutually exclusive with respect to beneficial and adverse effects. Comparisons and evaluations of plans require measurement or quantification of similar effects in terms of common standards. The selected standards may be in terms of dollars, acres of land, acre-feet or cubit-feet-per-second of water, miles of trails or

streams, number of people, and so on. The nonmonetary measures must include appropriate qualitative dimensions.

2. Incidence of beneficial and adverse effects. The distribution among groups and time of beneficial and adverse effects is an important consideration in the evaluation of plans. Those groups who are affected by a plan should be identified. Those who are benefited or adversely affected by a plan may be located within the planning area or region, or they may be in an area or region immediately adjacent, or they may be in distant regions which are noncontiguous with the planning area. The beneficial and adverse effects may also occur immediately or in the future in any of the areas or regions. These are discussed in detail in section III.

3. With and without analysis. In planning water and land resources, beneficial and adverse effects of a proposed plan should be measured by comparing the estimated conditions with the plan with the conditions expected without the plan. Thus, in addition to projecting the beneficial and adverse effects expected with the plan in operation, it is necessary to project the conditions likely to occur in the absence of a plan. Economic, social, and environmental conditions are not static, and changes will occur even without a plan. Only the new or additional changes that can be anticipated as a result of a proposed plan should be attributed as beneficial and adverse effects of the plan.

4. Monetary beneficial effects. For many goods and services the conventional market mechanism or simulation thereof provides a valid measure of exchange values, expressed in monetary terms. The values determined by the market may need adjustment to account for imperfect market conditions. Contributions to national economic development and the income component of regional development are of the monetary type of beneficial effects. In addition, certain components of the environmental quality objective can be analyzed in terms of monetary values.

5. Monetary adverse effects. Adverse effects result, just as beneficial effects do, from the implementation of a particular plan. Values for some adverse effects can be based on or derived from actual or simulated market prices. For example, the costs of goods and services used in constructing and operating a project or payment for damages even though no goods or services are being acquired can be derived from actual market prices. The prices determined by the market may need adjustment to account for imperfect market conditions. Some adverse effects are not represented by actual cash expenditures; but

market prices can be used to estimate or derive the appropriate monetary values by use of a simulated market price or by observing market prices for similar goods and services.

6. Nonmonetary beneficial effects. There are many effects which cannot or should not be expressed in monetary values. This is true of many contributions to environmental quality objective.

When effects cannot or should not be expressed in monetary terms, they will be set forth, insofar as is reasonably possible, in approriate quantitative and qualitative physical, biological, or other measures reflecting the enhancement or improvement of the characteristics relevant to the type of effects under consideration.

When specified minimum technical or institutional standards related to the environmental quality objective will be met or otherwise exceeded, they will be explicitly identified.

If particular nonmonetary beneficial effects or services are not amenable to quantitative measurement they should be described as fully as possible in appropriate qualitative terms.

7. Nonmonetary adverse effects. There are adverse effects that cannot be valued by market prices and direct compensation for these adverse effects may not be possible. Nevertheless, they should be accounted for by use of appropriate nonmonetary values or described as carefully as possible. The nonmonetary values may be expressed in terms of a physical, biological, or other quantitative units or qualtitative terms.

The adverse effects of a nonmonetary nature will generally be related to environmental quality.

F. BENEFICIAL EFFECTS ON NATIONAL ECONOMIC DEVELOPMENT

Beneficial effects in the national economic development account are the increases of the value of the output of goods and services and improvements in national economic efficiency.

1. General measurement concepts. There are two basic sources of increased output of goods and services that contribute toward enhancing national economic development. First, additional resources may be employed using normal production techniques, as, for example, in the application of irrigation water and other associated resources to land for the production of agricultural commodities or in the use of electric power and other associated resources for the production of aluminum. Second, resource productivity changes may be induced by the plan, resulting in more efficient production techniques to be used to achieve a higher level of output from the same resources or the same level of a specific output with fewer resources or the employment of otherwise unemployed or underemployed resources than would be achieved without the plan. In the latter case, the release of productive resources which can be employed elsewhere in the economy for the production of other goods and services ultimately results in an increase in national output as a consequence of a plan. These two sources of increased output may apply to situations in which the plan results in the production of final consumer goods or intermediate producer goods utilized by direct users; and they may also apply in situations in which firms are indirectly affected through economic interdependence with firms which utilize the intermediate producer goods from the plan.

For convenience of measurement and analysis, beneficial effects on national economic development are classified as follows:

a. The value of increased outputs of goods and services from a plan;

b. The value of output resulting from external economies caused by a plan.

In each case, with and without analysis must be applied to ascertain that with a plan there is a net increase in the production of goods and services, regardless of source, over those that would be obtained in the absence of the plan.

The general measurement standard for increases in the national output of goods and services will be the total value of the increase, where total value is defined as the willingness of users to pay for each increment of output from a plan. Such a value would be obtained

if the "seller" of the output was able to apply a flexible unit price and charge each user (consumer) an individual price to capture the full value of the output to the user. This concept is illustrated in figure 1.

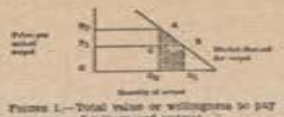


FIGURE 1.—Total value or willingness to pay for increased output.

Assuming the normal demand-output relationship, additional plan output will be taken by users as the unit price of output falls. If, as a result of the plan, output is increased by an amount Q_1-Q_0, the total value of this additional output to the users is measured by the entire shaded area on the chart. This is a larger amount than would be reflected by the market value. It is the sum of market price times increased quantity (represented by the rectangle CBQ_1Q_0) plus the consumer surplus for that increase (represented by the triangle ABC).

Since, in most instances, it is not possible for the planner to measure the actual demand situation, three alternative techniques can be used to obtain an estimate of the total value of the output of the plan--willingness to pay, change in net income, and the most likely alternative.

If the additional output from a plan is not expected to have a significant effect on price, actual or simulated market prices will closely approximate the total value of the output. This is true because there would be no consumer's surplus. If the additional output is expected to significantly influence market price (as in figure 1), a price midway between that expected with and without the plan may be used to estimate the total value. This would approximate the willingness to pay, including consumer surpluses, in most cases.

When outputs of a plan are intermediate goods or services, the net income of the (producer) user may be increased. Where changes in net income of each individual user can be estimated, a close approximation of the total value of the output of the plan (including consumer surpluses) will be obtained.

The cost of the most likely alternative means of obtaining the desired output can be used to approximate total value when the willingness to pay or change in net income methods cannot be used.

The cost of the most likely alternative means will generally misstate the total value of the output of a plan. This is because it merely indicates what society must pay by the next most likely alternative to secure the output, rather than estimating the real value of the output of a plan to the users. This assumes, of course, that society would in fact undertake the alternative means. Because the planner may not be able to determine whether alternative means would be undertaken in the absence of the project, this procedure for benefit estimation must be used cautiously.

Application of these general measurement standards will necessarily vary, depending upon the source by which output is increased (that is, via direct increases in production or through subsequent employment of released resources), upon the type of good or service produced (whether the output is an intermediate or final good), and upon the type and nature of available alternatives. General measurement methods for each type of situation as well as an indication of the water and land resource plan outputs to which these standards are applicable are presented below.

a. Direct output increases. Direct outputs of water and land resource plans may be in the form of either final consumer goods or intermediate goods. An effective direct or derived demand must exist for the final and intermedite goods, respectively, to include the increased output as a contribution to national economic development.

Certain consumer goods and services may result directly from water projects and be used with no additonal production resulting therefrom. Recreation, municipal water, and electric power for residential use are examples of this type of good or service. Most goods and services produced by water projects are not directly consumed, however, but are intermediate products that serve as inputs for producers of final goods or producers of other intermediate goods. The development of irrigation water for use in producing food and fiber or supplying electric power and water for industry are examples.

The values of increased output resulting directly from plans that produce final consumer goods or services is properly measured as the willingness to pay by final users for such output. When a competitive market price is not directly available, and the increased output will not be large enough to affect prices, total value of output may be estimated by simulated market prices or the use of the cost of the most likely alternative means of producing such final output. Examples

of types of outputs to which this method may be applied include:

a. Community and residential water supply;

b. Electric power provided for community and residential use; and

c. Recreation enhancement.

The value of increased output of intermediate goods and services is measured by their total value as inputs to producers of final consumer products. The intermediate product from the plan may enable the producers to increase production of final consumer goods, or reduce costs of production which in effect releases resources for use elsewhere in the economy. In either case, the total value of the intermediate goods or services to the producer is properly measured as the increase in net income received by the producers with a plan as compared with the net income received in the absence of a plan. Net income is defined as the market value of producers' outputs less the market value of producers' inputs exclusive of the cost of the intermediate goods or services resulting from a plan. Examples of types of plan outputs to which this method may be applied include:

a. Agricultural water supply; and

b. Agricultural flood damage alleviation, land stabilization, drainage, and related activities.

Where net income changes cannot be directly determined, however, the value of the intermediate goods and services to producers will be measured either in terms of competitive market values, when competitive conditions exist, or approximated by the cost of the likely alternative that the producers would utilize in the absence of a plan to achieve the same level of output. Examples of types of plan outputs to which this method may be applied include:

a. Industrial and commercial water supply;

b. Urban flood damage alleviation;

c. Electric power provided for industrial, commercial, and agricultural uses;

d. Transportation; and

e. Commercial fishery enhancement.

b. Increases in output resulting from external economies. Increased output of individual firms or industries directly affected by the plan may create situations in which related firms or industries are able to take advantage of more efficient production techniques; or consumers may be indirectly affected by a project (such as through favorable environmental changes). Such productivity changes or technological external economies can be attributed as a benefit to a plan. For example higher levels of output by directly affected firms may enable subsequent processing firms to use more efficient processing techniques and thereby release resources for use in producing other goods and services or permit the higher level of output to be processed with no additional resources.

Present techniques are not well developed for measuring the beneficial effects accruing from external economies. However, in situations where it is thought that the increased output of final consumer goods or intermediate goods used by direct users can be expected to increase the productivity or output of related firms, an attempt should be made to measure the net income change resulting from such externalities. When this is done the methodology should be carefully documented in the report.

2. Measurement of the value to users of increased outputs.

a. Water supply. Plans for the provision of water supply are generally designed to satisfy requirements for water as a final good to domestic and municipal users and as an intermediate good to agricultural and industrial users. Provision of water supply to satify requirements in these uses generally requires, either separately or in combination, an increase in water quantity, an improvement in water quality, and an improvement in the reliability of both quantity and quality.

Where it is necessary to use alternative costs for approximation of total value for water supply, as provided herein, the alternative selected must be a likely and realistic alternative directly responsive to achievement of this particular category, namely the additional output of water as an input to industrial, agricultural, and municipal uses or as a final good for community and individual uses. Moreover, the

alternative must be a viable one in terms of engineering and financing and must be institutionally acceptable. It must be more than a hypothetical project. It must be a real alternative that could and would likely be undertaken in the absence of the proposed program, for instance, the reuse or recycling of existing water supplies or the use of available groundwater, including the improvement of its quality, if necessary.

Although water supply can often be considered as a final good, there usually does not exist a market value in terms of price that directly expresses users' valuation of water supply for community and individual use. When this is the case, the total value of the water may be derived using the cost of the alternative that would provide essentially a comparable water supply service, in both quantity and quality, that would in fact be utilized in the absence of the water supply provided by the plan. Where such an alternative source is not available or would not be economically feasible, a market value for the water may be derived on the basis of the price paid by other like users or the average cost of a comparable water service from municipal water supply projects planned or recently constructed in the general region.

The total value of water to the producers using increased supplies is reflected in the change in their net income with a plan for the provision of water supply compared with their net incomes without the plan. It is recognized that for many planning studies it is not possible to either specifically identify net income changes accruing to firms using water supply for productive purposes or always possible to determine what part of a municipal supply is used for productive pursuits or for general community or individual uses as set forth below. In these cases, total value to the users can be approximated by use of the cost of the alternative that would be employed to achieve the same production that would be utilized in the absence of the water supply provided by a plan.

Water supply for irrigation is an input to the production of food and fiber. This may result in a net increase in production of specified products, the reduction in production cost, or a combination of both. Beneficial effects from the application of irrigation water supplies will be based upon total value to agricultural producers and will be measured as the increase in net farm income with and without a plan for providing irrigation water. This may be measured directly as the sum of net incomes of farm enterprises benefiting from a plan for irrigation.

Gross farm income comprises total annual receipts from the sale of crops, livestock, livestock products, and the value of perquisites, such as the rental value of the farm dwelling and the value of farm products consumed by the farm family.

Farm expenses are the costs necessary to produce and market farm products and maintain and replace all depreciable items.

Increased net income is measured as the difference between the increase in gross farm income minus the increase in farm expenses analyzed with and without a plan. Changes in net farm income may be estimated by analyzing changes in gross farm income and expenses for each separate enterprise or by the use of representative farm budgets.

b. Flood control, land stabilization, drainage, and related activities. A number of activities, such as flood control and prevention, flood-plain management, drainage, prevention of sedimentation, land stabilization, and erosion control, contribute to the objectives through improving the productivity, use, and attractiveness of the Nation's land resources. From the viewpoint of their contribution to national economic development, the effect of these activities on the output of goods and services is manifested by increasing the productivity of land or by reducing the costs of using the land resources, thereby releasing resources for production of goods and services elsewhere. These activities affect land resources in the following manner:

(1) Prevention or reduction of inundation arising from stream overflow, overland waterflow, high lake stages, and high tides, and prevention of damage from inadequate drainage;

(2) Prevention or reduction of soil erosion, including sheet erosion, gullying, flood-plain scouring, streambank cutting, shore or beach erosion, and prevention of sedimentation; and

(3) Prevention or limitation of the uses to which specified land resources will be put.

There are essentially three types of effects on use that may occur as a benefit from including these activities in a plan. The first is an increase in the productivity of land without a change in land use. The second is a shift of land resources to a more intensive use than would occur in the absence of a plan. The third is a shift of land resources

to less intensive use than would occur in the absence of a plan. In each case, the general method of calculating benefits is applicable. The distinction is made only to facilitate the application of the general method in different settings and as a means of providing criteria for the use of alternative techniques for estimating net income changes for the three classes of land utilization under the with and without analysis.

The general method to be applied in measuring effects for these and any other activities that result in a change in net productivity or a reduction in the cost of using land resources involves the measurement of the difference in net income accruing to users of land resources benefiting from such activities compared with what these users would earn in the absence of such a plan. This generally defines and establishes the limit of the willingness of users to pay for a plan that results in a change in productivity or reduction in the cost of using land resources.

Willingness to pay of the users, which is the basis for approximating the value of output from these activities, whether it be in the form of increased production of intermediate or final goods or release of resources, may be obtained by the following approaches.

(a) Productivity increase. In this situation, analysis with and without the plan indicates that the current and future enterprises employing given land resources are essentially the same with the plan as they would be without the plan. Further, it is more profitable for the given enterprise to continue to use the given land resource even without the beneficial effect of the plan than to locate at the next most efficient location. Net income change can then be measured as the difference in net income accruing to the enterprise on the specified land resource without the plan compared with what that enterprise would receive as net income with the plan on the same land resource.

(b) Changes in land use. Two situations are covered by changes in land use. These are:

(i) The situation in which the land owner benefiting from the change in land use would only utilize the land resource affected by such activity once the plan has become operative. In other words, it would not be as profitable for the benefiting landowner to utilize the affected land resource unless improved through one of the activities in this category as compared with the next most efficient location. Without such a plan the improved enterprise would occur at an alternative location. Net income change to the landowner will be measured as the difference in net income from the enterprise at an alternative location that would be utilized without the plan compared with the net income received from the

enterprise at a new location which is improved or enhanced as a result of the plan.

(ii) The situation in which enterprises that would otherwise employ a given land resource would be precluded from using the given land resources with implementation of the plan. Other enterprises less prone to incur flood damages or other adverse consequences would be allowed to use the given land resources.

Beneficial effects to the enterprises from activities in this category would be evaluated by measuring the net income change for the enterprise precluded from using the given land resources with the plan as compared with the without situation, plus the net income change for the enterprise that would be allowed to use the given land resource with the plan as compared with the without situation.

(c) Estimates of damage prevention and other measures. In the above cases, where it is not possible to directly employ net income changes to derive benefits, the estimate of actual or prospective damages to the physical properties of the enterprises involved can be employed as an approximation of net income change.

In the case of productivity change, where development will be the same with and without the plan, benefits attributable will equal total damages reduced. For the intensive land use cases, where development or use of land will be different with and without the plan, benefits can be approximated as equal to the damages these enterprises could sustain in the absence of protection if located on the affected land.

As a check on benefits derived in the form of net income change or damages prevented, observations of changes in land values for all lands may be employed.

c. Power. With respect to the computation of beneficial and adverse effects of increases in output of electric power it is emphasized that where appropriate, these should be viewed and evaluated as increments to planned or existing systems. Power supplied for general community and residential use can be considered as a final consumer good. Its value as a final good is generally reflected by the satisfaction

of individual residents or in terms of improved community services and facilities. Electric power provided to industrial, commercial, and agricultural uses is viewed as an energy input to the production of goods and services from these activities resulting in an increase in the output, reduction in the cost of production, or a combination thereof. The total value of electric power to the producers using such power is reflected in their willingness to pay. Where the identification and measurement of willingness to pay and satisfactions accruing to activities using electric power for industrial, municipal, and residential purposes are not possible, total value to the users will be approximated by taking account of the cost of power from the most likely alternative source and using this as the measure of the value of the power creditable to the plan. The alternative selected must be a viable one in terms of engineering, and the financing should be that most likely to the constructing entity. The costs should include any required provisions for protection of the environment. However, since the addition of a hydroelectric project to an electric system in lieu of an alternative power source usually will either increase or decrease the unit cost of producing power by existing generating facilities of the system, this cost differential must be taken into account in determining the power value of the hydroelectric project.

Normally, electric power is evaluated in terms of two components--capacity and energy. The capacity value is derived from a determination of the fixed costs of the selected alternative source of supply. The energy value is determined from those costs of the alternative which relate to and vary with the energy output of the alternative plan. These capacity and energy components of power value are usually expressed in terms of dollars per kilowatt per year of dependable capacity and mills per kilowatt-hour of average annual energy.

d. Transportation (navigation). Plans for the provision of transportation through inland waterways and harbors are established to complement or extend the overall national transportation system within and among regions to achieve an improved movement of goods from the producer to the consumer.

(1) Movement of intermediate or final goods. Transportation as applied to industrial, commercial, and agricultural activities is viewed as an essential service input resulting in savings and creation of utilities in the distribution of intermediate and final goods and services.

The beneficial effects from the movement of traffic are related to the improvements in the transportation services provided

enabling the widespread distribution of goods and services, and are measured as:

(a) The savings in the movement of commodities on the waterway when compared with movement via existing alternative modes; and

(b) The expressed willingness to pay by the shippers (producers) of commodity or traffic flow newly induced by a navigation improvement as reflected in the change in their net income.

(2) Where traffic will move in the absence of the waterway improvement. In this situation, navigation studies would include an estimate of the savings to shippers via the considered navigation improvement, measured as the product of the estimated traffic and the estimated unit savings to shippers from the movement of that traffic via the proposed navigation improvement. The unit savings would be measured as the difference between the charges shippers actually incur for transportation at the time of the study and the charges they would likely incur for transportation via the improvement.

The traffic that is estimated to move via the proposed waterway will be based on a thorough analysis of the existing traffic movements in the tributary area. The potential traffic will be carefully screened to eliminate those movements that are not, for a variety of reasons, susceptible to movement on the waterway. The traffic available for water movement after the screening process is completed will be subject to an analysis of savings as discussed immediately below, and, based on the magnitude of the indicated savings, a decision will be made as to whether or not the movement would be directed to the waterway. Only traffic for which the differences in savings is judged sufficiently large to divert the traffic to the waterway will be included in the estimated waterway traffic. Moreover, as a practical matter, it will be deemed realistic to assume a sharing of the total traffic movement among alternative modes rather than to assume complete diversion to the lower cost mode.

The estimate of savings will ordinarily be developed by comparing the full charges for movement from origin to destination via the prevailing mode of transportation with the charges via the waterway being studied where these charges encompass all applicable handling, switching assessorial charges, and net differences in inventory, storage, or other charges due to the change in transportation mode. The alternative modes of transportation to be used in estimating savings to shippers

are those actually in use at the time of the study for moving the traffic in question, or, where there are no existing movements, those modes that would most likely be used for such movements. In the latter case, the alternative mode will be chosen on the basis that the shipper would take advantage of the mode affording him the lowest total charges. The competitive, or complementary, effects of existing and authorized waterways not yet constructed, including joint land-waterway routes, should also be taken into account.

(3) Where additional flow of traffic is induced by the plan. By making new sources of supply, or by increasing the net demand for a commodity, the navigation improvement may induce more traffic movement than would be the case in the absence of such improvement. Beneficial effects creditable to the plan for such new traffic are the differences between the cost of transportation by the waterway and the value to shippers, that is, the maximum cost they would be willing to pay for moving the various units of traffic involved.

Where data are available for estimating the value at which various increments of the new traffic could be moved economically, the difference between such values and the charges for transportation by the waterway provides a measure of the estimated beneficial effects attributible to the plan.

In the absence of such data, the probable average charge that could be borne by the induced traffic may be assumed to be half way between the highest and the lowest charges at which any part of it would move. On this basis, the difference between this average and the cost by the waterway applied to the volume of new traffic is the beneficial effect of the plan.

(4) Basis for evaluation. Congress has provided the standard for computing the beneficial effects of navigation in section 7(a) of the Department of Transportation Act of 1966, as follows:

> * * * the primary direct navigation benefits of a water resource project are defined as the product of the savings to shippers using the waterway and the estimated traffic that would use the waterway; where the savings to shippers shall be construed to mean the difference between (a) the freight rate or charges prevailing at the time of the study for the movement by the alternative means

> and (b) those which would be charged on the proposed waterway; and where the estimate of traffic that would use the waterway will be based on such freight rates, taking into account projections of the economic growth of the area.

Consistent with the approach above outlined, these criteria are the basis on which beneficial effects for waterway plans will be evaluated.

(e) Recreation. As national living standards continue to rise, the average person, with basic needs provided for, uses an increasing percentage of rising real income to satisfy a demand for leisure time and outdoor recreational activities such as swimming, picnicking, boating, hunting, and fishing. With general ownership of automobiles and improvement in highways, travel to distant public recreational areas has become commonplace. Consequently, a large and increasing portion of recreational demand, especially that portion which is water-oriented, is accommodated by development of Federal lands and multi-purpose reservoirs which include specific provision for enhancing recreation activities. This is consistent with the requirements of the Federal Water Projects Recreation Act of 1965 (Public Law 89-72), providing for recreation and fish and wildlife as full and equal partners with all other purposes in Federal water projects.

For the most part, outdoor recreation is produced publicly and distributed in the absence of a viable market mechanism. While the private provision of recreation opportunities has been increasing in recent years, analysis of recreation needs is conducted in the absence of any substantial amount of feedback from effectively functioning markets to guide the evaluation of publicly produced recreation goods and services. Under these conditions--and based on a with and without analysis--the increase in recreation provided by a plan, since it represents a direct consumption good, may be measured or valued on the basis of simulated willingness to pay. In computing the projected recreation demand, however, the analysis should take explicit account of competition from recreation opportunities within the area of influence of the proposed plan.

There are in existance a number of methods, or approaches, to approximating demand and what people are willing

to pay for outdoor recreation. A generalized methodology encompassing the travel-distance approach is set forth below.

(1) An analytical approach relating travel cost to distance. Using marginal travel costs (i. e., variable costs of automobile operation directly related to the number of miles driven) taken as a measure of what people are willing to pay for water-oriented recreation and how price affects use, the relationship between price and per capita attendance can be established for recreation sites and market areas. This relationship, the conventional demand curve having a negative slope, sums up the response of users' demand to alternative prices of the recreational product (or experience). Separate demand curves are constructed to reflect each kind of recreation use, whether day-use travel, camping-use travel, or other. If there is no entrance charge at the project, per capita rates for each distance or travel cost would be consistent with the constructed demand curves.

If a fee is charged, however, the cost to the recreationist would then be equal to the fee plus his travel cost, thus diminishing the per capita use rate. Applying a range of reasonable entrance fee charges to the constructed demand schedules, additional separate day-use and camping-use demand curves for sites are constructed to determine respective attendance which may be expected under such conditions. Following this, initial project year day-use and camping-use values are computed by measuring the area under their respective demand curves. These values can be compared with market projections and existing capacities to determine if actual site demand will materialize. The initial year values are then projected throughout the life of the project consistent with the calculated recreational use predictions. The resultant figures, total values for day-use and camping-use over the life of the project, are separately discounted at the prevailing discount rate established by these standards to obtain average annual equivalent values.

(2) Other approaches. A variety of other approaches may be taken toward the evaluation of recreation goods and services. In general, however, no one method is completely satisfactory to the exclusion of all others. The applicable rule to follow, taking cognizance of the unique circumstances of a particular setting, including the availability of actual market data and experience, is to use that procedure which appears to provide the best measure or expression of willingness to pay by the actual consumer of the recreation good or service provided by the plan.

In the interim, while recreation evaluation methodology is being further developed, the following schedule of monetary unit values may be used in the preparation of plans.

(3) Simulated prices per recreation day. A single unit value will be assigned per recreation day regardless of whether the user engages in one activity or several. The unit value, however, may reflect both the quality of activity and the degree to which opportunities to engage in a number of activities are provided.

Type of Outdoor Recreation Day	Range of Unit Day Values
General. (A recreation day involving primarily those activities attractive to the majority of outdoor recreationists and which generally require the development and maintenance of convenient access and adequate facilities.)	$0.75-$2.25
Specialized. (A recreation day involving primarily those activities for which opportunities, in general, are limited, intensity of use is low, and often may involve a large personal expense by the user.)	3.00- 9.00

Two classes of outdoor recreation days, general and specialized, are differentiated for evaluation purposes. Estimates of total recreation days of use for both categories, when applicable, will be developed.

The general class, constituting the great majority of all recreation activities associated with water projects, embraces the more usual activities, such as swimming, picnicking, boating, and most warm water fishing.

In view of the fewer alternatives available and the likelihood that higher total costs are generally incurred by those engaged in hunting and fishing activities compared with those engaged in other types of outdoor recreation, it may be anticipated that the monetary unit values applicable to fish and wildlife recreation will ordinarily be larger than those applied to other types of recreation.

The special class includes activities less often associated with water projects, such as big game hunting and salmon fishing.

A separate range of values is provided for each class in order that informed judgment may be employed in determining the applicable unit values for each individual project under consideration. Where considered appropriate, departure from the range of values provided is permissible if a full explanation is given.

(f) Commercial fishing and trapping. Water and land resource plans may include specific measures designed for the purpose of enhancing the fish and wildlife resources and associated opportunities for the direct harvesting of fish and game as a commercial product. Beneficial effects to commercial fishing, hunting, and trapping consist of the value of an increase in the volume or quality of the products expected to be marketed. This increase is determined by comparing values of future production with and without the plan.

The beneficial effects from the increase in output of fish and wildlife products resulting from a plan is measured as the total value to the final users of the output reflected by the applicable market price, minus the expenditures incurred to obtain the fish or game.

(g) Other program outputs. In addition to the more common outputs which have been dealt with in the preceding sections, plans may produce other goods and services which contribute to national economic development. Proper application of the measurement standards to these additional outputs should be guided by analogy to the outputs which have been discussed. Care must be exercised in defining types of outputs to assure that overlapping categories are not used which lead to duplication in the estimates of beneficial effects.

(3) Measurement of increases in output resulting from external economies. Technological external economies are the beneficial effects on individuals, groups, or industries that may or may not benefit from the direct output of the project. They result from a plan if an increase in the output of final consumer goods or intermediate goods takes place beyond that which would be obtained in the absence of the plan and over and above direct outputs of the plan. This increased output may result from firms which are economically related to the plan taking advantage of more efficient production techniques and thereby releasing resources for use in producing other goods and services.

The change in net income of the economically related firms will be used as an indicator of the value of this type of national economic development effect. Changes in the total value of consumer goods due to externalities because of a plan can be accounted for by using measurement techniques like those described above.

If society would obtain the project output of final consumer goods or the output of firms that utilize the intermediate goods of the project from some other source in the absence of the project, then the net income position of the related firms would be unaffected by the plan.

Some examples of potential situations for the occurence of external economies associated with final consumer goods and intermediate produced goods are presented below.

(a) Final consumer goods. Provision of additional recreation opportunities and fish and wildlife enhancement for the direct enjoyment of individuals may enable merchants of sporting goods and other suppliers of recreation equipment and services to increase their sales and net income. However, to the extent that the increased expenditures for outdoor sporting equipment and other outdoor recreation services substitute for some other consumer expenditures, there is no real gain in the Nation's output.

The provision of either water supply or electric power for community and residential use will not generally stimulate external economies to enhance national economic development. It is usually assumed that the necessary quantities of these outputs will be provided by some alternative means in the absence of the plan. As a consequence, firms that are economically related to consumers through the consumption of these products will experience the same economic conditions and have the same net income without the plan as compared with the plan.

(b) Intermediate producer goods. The utilization of intermediate goods and services from the plan by direct users may enable them to expand their output. Increased levels of output by direct users of the output of a plan may, in turn, enable economically related firms to improve the efficiency of their operation and/or expand their output and, as a result, increase their net income. Measurement of the change in the net income position of related firms should be made, if it can definately be established that a change in output by the direct users will generate a corresponding income change for the related firms.

An evaluation should be made of the output levels that will be achieved by the direct users with the plan and without the plan. If the direct users would obtain the same good or service from some other source in the absence of the plan, no external economies occur and the net income position of the related firms would be unaffected by the plan. Some examples of types of plan outputs to which this standard may be applied are presented below.

In situations where water supply is an intermediate good, its utilization by direct users may stimulate more inputs to be acquired from supplying firms, and if there is an increased output from the enterprise of the direct user additional output will be processed by related processing firms. Except for irrigation water supplies and a few industries with high water requirements, water represents a relatively small consideration in the management decision of firms. If firms or industries with relatively small water requirements would obtain their necessary water from some other source in the absence of the plan, no external economies should be included in the calculation of water supply benefits.

The provision of flood control, land stabilization, drainage, and related programs may affect the productivity of and resources resulting in increased levels of output by firms directly affected by the plan. Net income changes may also occur in economically related firms. Measurement of the net income change of the related firms should be made if it can be definitely established that a change in output by the direct users will generate a corresponding income change for the related firms. However, if the plan merely enables economic activities to shift to new locations resulting in more efficient production but no change in total output, then no external economies occur and no attempt should be made to measure net income changes of related input supply or output processing firms.

Electric power provided for industrial, commercial, and agricultural uses will frequently result in higher levels of output from these economic sectors. However, if alternative electric power or alternative energy sources would be utilized in the absence of the plan, the level of output would be unaffected and no external economies would accrue as a benefit to the plan.

To the extent that navigational facilities provide alternative transportation services that would otherwise be provided in the absence of the project, no external economies occur. In situations where the navigational facility provides a unique service, such as providing movement of bulky raw materials that would not otherwise be made available, external economies may occur to the firms economically related to the shippers.

4. Special beneficial effects from use of unemployed or underemployed labor resources. The effects of the use of unemployed or underemployed resources conceptually should be treated as an adjustment to the adverse effects of a plan on national economic development. Since this approach leads to difficulties in cost allocation and cost sharing calculations, the effects from the use of such resources should be treated as an addition to the benefits resulting from a plan.

Beneficial effects from the utilization of unemployed or underemployed labor resources may occur as a result of the plan through employment in the construction or installation of the plan.

The Council, considering data from its economic projections and the economic and rural development programs, will designate planning regions in which unemployed or underemployed labor resources exist.

Where the planning region has been designated as having unemployed or underemployed labor resources and it can be shown that these labor resources will in fact be employed or more effectively employed in construction or installation of the plan, the net additional payments to the unemployed or underemployed labor resources should be measured as a benefit.

G. Adverse Effects on National Economic Development

Achievement of beneficial effects on national economic development, and or environmental quality, requires resources to be diverted from alternative uses. The adverse effects on national economic development are the economic value that these resources would have in their alternative uses. Generally, market prices provide a valid measure of the values of goods and services foregone in alternative uses. Both public and private costs associated with the plan will be measured to indicate the total adverse effect on national economic development incurred to realize the desired objectives.

1. Sources of adverse effects. Water and land resource plans result in adverse effects to national economic development in two ways.

a. Resources required or displaced to produce final or intermediate goods and services. In situations where a physical structure is necessary to obtain the desired objective, the adverse effects on national economic development include all explicit cash expenditures for goods and services necessary to construct and operate a project throughout a given period of analysis. They consist of actual expenditures for construction; transfers from other projects, such as costs for reservoir storage; development costs; and interest during construction. If the output of the plan is an intermediate good or service, the associated costs incurred by the intermediate product user in converting it into a marketable form will be measured. These associated costs are borne by the user of the plan output but nevertheless, represent resource requirements necessary to convert the project output into a product demanded by society. Examples are production costs incurred by users of plan outputs, and costs to other producers or to processors that arise in conjunction with the physical flow of the output of the plan. Associated costs should be deducted from the value of gross outputs to obtain net beneficial effects to be compared with the national economic development adverse effects of a plan. These adverse effects occur as a result of certain resources being released and subsequently unemployed as a result of the implementation of the plan.

In situations where nonstructural measures are used to obtain the desired objective, the adverse effects on national economic development will include payments to purchase easements or rights-of-way and costs incurred for management arrangements or to implement and enforce necessary zoning. In some cases, actual cash expenditures will not be involved as when local communities are required to furnish lands, easements, and rights-of-way.

b. Decreases in output resulting from external diseconomies. External diseconomies are adverse economic effects of a plan that are not reflected in

market prices of project inputs. They result when provision of goods and services for one group necessarily results in an undesirable effect or disservice for another group. For example, the return flow from an irrigation project may create a salinity condition for downstream water users, forcing them to adopt higher cost water treatment practices. These adverse effects (external diseconomies) are not compensated, yet they should be taken into account when deciding on the desirability of a plan.

Another type of external diseconomy may occur if the plan has the direct effect of reducing the output of some firms in the project area, and this reddction causes firms that are linked to the directly affected firms to become less efficient in their operation. For example, the reduction in output by a group of firms which have their output processed by another firm may result in an inefficient operation by the processing firm.

A third type of external diseconomy may occur if the plan has an adverse direct effect on the consumption by individual consumers. For example, if a plan is instrumental in increasing congestion or pollution which results in increased costs to the consumers, this effect should be taken into account in plan evaluation.

c. Cost adjustments. A special case of benefits from cost adjustments arise when a plan creates an opportunity to use resources that would be unemployed or underemployed in the absence of the plan. These resources can include labor, fixed capital, or natural resources. Utilization of such unemployed or underemployed resources may come about (a) as a result of implementing a plan, including construction, operation, maintenance, or replacement; (b) as a result of the use of intermediate goods and services resulting from the plan; or (c) as a result of expansion of output by firms who are indirectly affected by the installation of the project or indirectly affected by consumers and firms who use final and intermediate goods, respectively. The latter two effects--(b) and (c) above--occur when use of the output of a plan results in the employment of unemployed or more effective employment of underemployed resources. Increased national output results in this situation, since with a plan otherwise unemployed or underemployed resources are in effect substituted for resources that would have been drawn from productive activities elsewhere. The market value of the increase of such production will be measured as the difference in the earnings accruing to otherwise unemployed or underemployed resources with a plan as compared with their earnings without a plan. Because of measurement problems, only benefits arising from the use of otherwise unemployed or underemployed labor resources in construction or installation of the plan, will be estimated for the national economic development account.

2. Measurement of adverse effects.

a. Resources required for or displaced by the plan. Resource requirements of the plan are the sum of the market values of the goods and services used for installations; interest during construction; operation, maintenance, and replacement; and induced costs as defined below.

Installation costs are the market values of goods and services necessary to implement a plan and place it in operation, including management and organizational arrangements, technical services, land, easements, rights-of-way, and water rights; initial and deferred construction; capital outlays to relocate facilities or to prevent or mitigate damages; transfers of installation costs from other projects; and all other expenditures for investigating, surveying, planning, designing, and installing a plan after its authorization.

Operation, maintenance, and replacement costs are the market values of goods and services needed to operate an installed plan and to make repairs and replacements necessary to maintain the physical features in sound operating condition during their economic life.

b. Decreases in output resulting from external diseconomies. While external diseconomies are difficult to measure and the effects are incidental to the project, they are nevertheless recognized adverse effects.

Induced costs are all significant adverse effects caused by the construction and operation of a plan expressed in terms of market prices and whether or not compensation is involved. Compensation for some induced costs is neither required nor possible. Induced costs include estimated net increases in the cost of government services directly resulting from the project and net adverse effects on the economy, such as increased transportation costs.

H. Beneficial and Adverse Effects on Environmental Quality

A water and land use plan may have a variety of effects--beneficial and adverse--on environmental quality. While effects on environmental quality are characterized by their nonmarket, nonmonetary nature, they provide important evidence for judging the value of proposed plans.

Beneficial effects on the environmental quality account are contributions resulting from the management, preservation, or restoration of one or more of the environmental characteristics of an area under study or elsewhere in the Nation. Such contributions generally enhance the quality of life.

Adverse environmental effects--generally the obverse of beneficial environmental effects--are consequences of the proposed plan that result in the deterioration of relevant environmental characteristics of an area under study or elsewhere in the Nation, for example, acres of open and green space, wilderness areas, estuaries, or wildlife habitat inundated or altered, or of

lands experiencing increased erosion. Such adverse effects generally detract from or diminish the quality of life.

Often, however, an environmental impact of a plan cannot be easily labeled as being beneficial or adverse, since that decision will vary with the perceptions of the individual concerned. In any case, the effect itself should be quantified and displayed for purposes of decisionmaking.

1. Measurement methods. Whether subjectively perceived or objectively measured, the criteria used to describe or evaluate the beneficial or adverse effects of a plan will vary--consistent with the relevant components of environmental quality under consideration. To the extent possible, however, beneficial or adverse effects will be displayed in terms of relevant physical and ecological criteria or dimensions, including the appropriate qualitative dimensions. For example, where the effects of a plan will be visibly evident, quantitative, and qualitative descriptions may be made in terms of established or accepted water and land classification or ecological criteria and related measures.

Where significant physical effects are less easily perceived, it may be necessary to determine their extent through instrumentation or symptomatically by the presence or absence of commonly expected characteristics. As an example, eutrophication of fresh water lakes exemplifies a less easily perceived process that is reflected symptomatically, and which is subject to measurement by instrumentation with statistical analysis of data collected over time. Therefore, its rate of change is measured by reference to previous dates or periods, with projected rates of future change based on probability analysis. As explicit an account as possible of these effects and supporting analysis should be provided.

Notwithstanding the physical or ecological criteria terms available, certain environmental effects can be presented most effectively by reference to their qualitative dimensions. For instance, it may be necessary to use this approach to show the importance of a reduction in use or availability for use of areas of natural beauty, archeological, or historical significance. Consequently, the analysis should be supported by an appropriate descriptive-qualitative interpretation and evaluation of the effects of the plan on the relevant components of environmental quality.

2. With and without analysis Existing environmental conditions will be described and presented in terms that best characterize the planning perceptions and ecology of the affected area as conditions would exist without any plan. Similar descriptions will be prepared for the time sequence of the conditions to be expected with and without the plan throughout the period of analysis. The conditions before planning is initiated will provide the data from which

to evaluate environmental effects--or prediction of change--under alternative proposals, including the consequence of failure to adopt a plan for development and use of resources in the area under study. It should be clear that environmental conditions will not remain static but will, in fact, tend to change over time regardless of whether a plan is adopted.

3. Limitations. It is not presently possible to anticipate or identify, much less measure, all environmental effects or change. Nor are there in existence evaluation standards that permit full and direct quantitative comparisons and ranking of the conditions of identifiable environmental effects that might be expected to result from a plan. Consequently, reasoned judgments by multidisciplinary teams will be required in many situations. When this is necessary, a frank expression of the state of knowledge and the limitations thereof, as well as the limitations of the analysis in each instance, is essential.

4. Classes of environmental effects. Environmental effects of plans toward the complex of conditions encompassed by the environmental quality objective are best understood and their significance interpreted by evaluating them as separable components. While these are stated in terms of beneficial effects, adverse effects should be read as the converse of each statement. Beneficial effects (and adverse effects) of plans as related to components of the environmental objective are classified and evaluated relevant to:

A. Beneficial effects resulting from the protection, enhancement, or creation of open and green space, wild and scenic rivers, lakes, beaches, shores, mountain and wilderness areas, estuaries, or other areas of natural beauty.

With regard to these kinds of resources, beneficial effects on this component of the environmental quality objective are evaluated on the basis of data such as follows, though these are not all inclusive:

1. Open and green space. These are essentially undeveloped, visually attractive natural areas strategically located where most needed to ameliorate intensifying urbanization patterns.

a. Size and measure:

(1) Total acreage (woods, fields, meadows, etc.);

(2) Pattern and distribution;

(3) Juxtaposition to community and urban areas (effect on urban sprawl).

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected open and green space.

c. Improvements:

(1) Accessibility (mileage of public roads or trails provided; easements);

(2) Public amenities (provision for limited facilities, if any);

(3) Other (specify or describe).

d. Protection and preservation:

(1) Physical (fire, bioenvironmental, etc.);

(2) Legal (dedication, easements, institutional, etc.);

(3) Special.

2. Wild and scenic rivers. These are free-flowing streams, with shorelines or watershed essentially or largely undeveloped, which possess outstandingly remarkable scenic, recreational, geological, fish and wildlife, historic, cultural, and other features.

a. Size and measure, including characterization of adjacent primitive or near natural setting:

(1) Total mileage;

(2) White water mileage;

(3) Water quality;

(4) Character and extent or acreage of streamside land;

(5) Juxtaposition to community.

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected wild or scenic river.

c. Improvements:

(1) Accessibility (trails, infrequent roads, or other minimum public access provided; easements);

(2) Public amenities (provision for limited facilities, as boat launching, picnic areas, if any);

(3) Other (specify or describe).

d. Protection and preservation:

(1) Physical (bioenvironmental);

(2) Legal (dedication or withdrawal, institutional, water quality standards, etc.);

(3) Special.

3. Lakes. Where their clarity, color, scenic setting, or other characteristics are of special interest, aesthetically pleasing lakes contribute to the quality of human experience.

a. Size and measure:

(1) Surface acreage;

(2) Shoreline mileage;

(3) Depths;

(4) Water quality.

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected lake or lakes.

c. Improvements:

(1) Accessibility (public roads and trails; easements);

(2) Drainage;

(3) Cleaning;

(4) Shoreline management, including public amenities;

(5) Other (specify or describe).

d. Protection and preservation:

(1) Physical (bioenvironmental);

(2) Legal (institutional, pollution standards, etc.);

(3) Special.

4. Beaches and shores. The juxtaposition of attractive beaches, distinctive scenic shorelines, and adjacent areas of clean offshore water provides positive public aesthetic values and recreational enjoyment.

a. Size and measure:

(1) Mileage;

(2) Acreage;

(3) Marshland acreage;

(4) Embayments.

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on designated or affected beaches and shores.

c. Improvements:

(1) Accessibility (public roads and trails; easements);

(2) Public amenities;

(3) Nourishment;

(4) Other (specify or describe).

d. Protection and preservation:

(1) Physical (jettys, bulkheads, etc.);

(2) Legal (dedication, institutional, etc.);

(3) Special.

5. Mountains and wilderness areas. Generally occurring at higher altitudes, these pristine areas of natural splendor and scientific interest embrace

a very special category of land use. Such areas are designated for the purpose of preserving primeval conditions, as nearly as possible, for aesthetic enjoyment and for limited forms of recreation and other scientific uses.

a. Size and measure:

(1) Acreage;

(2) Biological diversity;

(3) Pattern and distribution;

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected mountain and wilderness area.

c. Improvements:

(1) Accessibility (limited public roads and trails);

(2) Public amenities (limited facilities provided, if any);

(3) Other (specify or describe).

d. Protection and preservation:

(1) Physical (fire, bioenvironmental, etc.);

(2) Legal (dedication, institutional, etc.);

(3) Special.

6. Estuaries. Beyond their critical importance in man's harvest of economically useful living marine resources, many estuaries, coves, and bays merit special consideration as visually attractive settings that support diverse life forms of aesthetic value and as marine ecosystems of special interest.

a. Size or measure:

(1) Surface acreage;

(2) Shoreline mileage;

(3) Marshland acreage and shoreline mileage;

(4) Water quality.

b. Biological significance as a nursery, breeding, and feeding ground (name species involved).

c. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected estuary.

d. Improvements:

(1) Accessibility;

(2) Public amenities (facilities provided, if any);

(3) Other (specify or describe).

e. Protection and preservation:

(1) Physical;

(2) Legal;

(3) Special.

7. Other areas of natural beauty. These include any other examples of nature's visual magnificence and scenic grandeur, not accommodated in the above-specified classes, which have special appeal to the aesthetic faculties of man.

a. Size or measure:

(1) Acreage;

(2) Mileage.

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on designated or affected areas of natural beauty.

c. Improvements:

(1) Accessibility (public roads and trails; easements);

(2) Screening;

(3) Plantings (seedlings, grassed cover, etc.);

(4) Public amenities (scenic overlooks, if any);

(5) Other (specify or describe).

d. Protection and preservation:

(1) Physical (fire, bioenvironmental, etc.);

(2) Legal;

(3) Special.

Conversely, and in a generally parallel manner, adverse effects of a plan result from the inundation, adverse alteration, or decreases in the availability, use, and aesthetic quality of these resources.

B. Beneficial effects resulting from the preservation or enhancement of especially valuable archeological, historical, biological, and geological resources and selected ecological systems.

Excluding ecological systems which are separately evaluated below, beneficial effects on this component of the environmental objective are evaluated on the basis of data such as follows, though these are not all inclusive:

1. Archeological resources. Preservation of these resources provides a continuing opportunity for studying the development of human settlements and understanding man's cultural heritage.

a. Size or measure:

(1) Acreage;

(2) Square footage;

(3) Height or depth from ground level.

b. A descriptive-qualitative interpretation including an evaluation of the effects of a plan on the designated or affected archeological resource areas.

c. Educational:

(1) General education;

(2) Special and scientific.

d. Improvements:

(1) Accessibility (public roads and trails; easements);

(2) Interpretation and monumentation;

(3) Other (specify or describe).

e. Protection and preservation:

(1) Physical;

(2) Legal (dedication, other);

(3) Special.

2. Historical resources. Preservation of these resources provides for the study, understanding, and appreciation of the Nation's origins and the evolution of its institutions as well as its scientific and technical progress.

a. Size and measure:

(1) Acreage;

(2) Number of units (of whatever kind).

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected historical resource area.

c. Educational values:

(1) General education;

(2) Specialist.

d. Improvements:

(1) Accessibility (public roads and trails; easements);

(2) Availability (as appropriate to particular site or materials preserved);

(3) Interpretation and monumentation;

(4) Other (specify or describe).

e. Protection and preservation:

(1) Physical;

(2) Legal (dedication, other);

(3) Special.

3. Biological resources. The opportunity to observe and study biological resources--terrestrial and aquatic--leads to an enlarged understanding and appreciation of the natural world as the habitat of man.

a. Size and measure (wide variation depending on characteristics of particular animal or plant):

(1) Total land and surface acreage and shoreline mileage;

(a) Land acreage (forest, woodland, grassland, etc.);

(b) Water surface acreage and shoreline mileage;

(c) Marshland acreage and shoreline mileage.

(2) Population estimates and characteristics of fish and wildlife to include as nearly as possible:

(a) Age and size classes;

(b) Sex ratios;

(c) Distribution (density).

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected biological resource or resources.

c. Educational:

(1) General;

(2) Special and scientific.

d. Improvements:

(1) Accessibility (public roads and trails; easements;

(2) Habitat enhancement or site improvement:

(a) Sanitation;

(b) Stabilization;

(c) Increasing edges;

(d) Harvesting (to maintain balance with environmental food supply);

(e) Cover planting (species, including number or acreage);

(f) Stocking:

(i) Wildlife (species and number);

(ii) Fish (species and number);

(3) Other (specify or describe):

e. Protection and preservation:

(1) Physical;

(2) Legal (dedication, other);

(3) Special.

4. Geological resources. When of outstanding geologic or geomorphologic significance, preservation of these resources contributes to man's knowledge and appreciation of his physical environment.

a. Size and measure:

(1) Surface acreage;

(2) Subsurface acreage (estimated);

(3) Quantity (estimated in appropriate units).

b. A descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the designated or affected geological resources.

c. Educational:

(1) General education;

(2) Special and scientific.

d. Improvements:

(1) Accessibility (public roads and trails; easements);

(2) Interpretation and monumentation;

(3) Other (specify and describe);

e. Protection and preservation:

(1) Physical;

(2) Legal (dedication, other);

(3) Special.

Conversely, and in a generally parallel manner, adverse effects result from the inundation, deterioration, or disruption of like kinds of resources.

5. Ecological systems. Apart from the contributions which use of the natural resource base makes to man's basic needs for food, shelter, clothing, and employment opportunities, covered elsewhere, the environmental objective embraces the concept and appreciation of the values inherent in preservation of ecological systems per se.

Each natural area, such as a watershed, a vegetation and soil type, a tidal salt marsh, a swamp, a lake, or a stream complex, represents an ecosystem, an interdependent physical and biotic environment that functions as a continuing dynamic unit, possessing not only intrinsic values but also contributing to the enrichment of the general quality of life in a variety of subtle ways. Conversely, when such natural areas are lost or otherwise diminished in size or quality, there are corresponding adverse environmental effects borne by society.

Beneficial effects resulting from preservation of ecological systems include:

a. The maintenance of a natural environment in a state of equilibrium as an intrinsic value to society;

b. The provision of the purest form of aesthetic contact with nature;

c. Contributions to the development, appreciation, and integration of a "land ethic" or environmental conscience as a part of man's culture; and

d. Scientific understanding derived from the preservation and study of natural ecological systems which contributes to the conservation of natural resources in general, the most important practical application of ecology.

Conversely, adverse effects are the reduction or loss of opportunity to society as a result of a plan.

C. Beneficial effects resulting from the enhancement of selected quality aspects of water, land, and air by control of pollution.

1. Water quality. The beneficial effects of water quality improvements will be reflected in increased value to water users and will be recorded under the national economic development or regional development objective. For example, increases in the value of the Nation's output of goods and services from improvements in water quality will be accommodated under the national economic development objective. A great deal of improvement is needed in the methods of measuring these values.

There will be other water quality beneficial effects, however, that cannot be measured in monetary terms but are nonetheless of value to the Nation. Examples of such benefits are usually in the aesthetic and ecological areas so important to mankind. Beneficial effects from these kinds of improvements are contributions to the environmental quality account and are identified, measured, and described in nonmonetary terms.

Beneficial effects to the environmental quality account from water quality control may be defined in relation to the State standards or goals established under the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). Reservoir storage and flow regulation for water quality may be utilized where it is the least-cost way of meeting these standards or goals.

Consistent with water quality standards or goals established for the affected planning area, water quality control beneficial effects are identified, measured, and described by methods and terms such as:

a. Physical and chemical tests including but not limited to:

(1) Dissolved oxygen;

(2) Dissolved solids;

(3) Temperature;

(4) Acidity/alkalinity;

(5) Nutrients.

b. Biological indicators including but not limited to:

(1) Coliform;

(2) Macro and micro organisms;

(3) Algae.

c. Description: By a descriptive-qualitative interpretation, including an evaluation of the effects of a plan on the aquatic community as a whole.

Conversely, adverse effects will be reflected as departures from the established water quality standards, including related damages, as a result of a plan.

2. Air quality. Air pollution is primarily a regional problem stemming principally from urban centers containing concentrations of people, industry, and transportation. In addition to its diverse social impacts, air pollution causes direct injury to natural environments, including ground cover, trees, and wildlife. In its purely physical dimensions, air pollution is accommodated within the environmental objective.

Beneficial effects to the environmental objective from air quality control may be defined in relation to regional air quality standards established under the Clean Air Act of 1970.

Consistent with air quality standards established for the affected planning area, air quality control beneficial effects are identified, measured, and described by:

a. The amount and use of open space between sources of air pollution and concentrations of people to assist in the process of atmospheric dispersion and dilution.

b. Reductions in the use of fossil fuels.

c. Reductions in damages to:

(1) Wildlife:

(a) Species;

(b) Number or density;

(c) Distribution;

(d) A descriptive-qualitative interpretation and evaluation of effects as appropriate.

(2) Ground cover:

(a) Species;

(b) Acreage and density;

(c) Distribution;

(d) A descriptive-qualitative interpretation and evaluation of effects as appropriate.

(3) Forests:

(a) Species or types;

(b) Acreage;

(c) Growth rates;

(d) Distribution;

(e) A descriptive-qualitative interpretation and evaluation of effects as appropriate.

d. Enhancement of possiblities for visual enjoyment and aesthetic appeal of natural settings and scenic landscapes.

Conversely, adverse effects will be reflected as departures from established air quality standards, including related damages, as a result of a plan.

3. Land quality. Where erosion is prevalent or spreading—largely because of inadequate land use planning and management—it, among other things, seriously detracts from the general use, appreciation, and enjoyment of terrestrial and aquatic environments.

As encompassed in the environmental quality objective soil is valued as a basic national resource rather than for its more traditional role as a primary production factor contributing to increases in national output.

Beneficial erosion control effects improving the visual attractiveness of the natural landscape include:

a. Reductions in sediment on beaches and public recreation areas;

b. Reductions in turbidity and sediment pollution of water in rivers, streams and lakes;

c. Restoration of cull banks from strip mines and other eroded sites;

d. Bank stabilization on mainline and secondary roads.

Conversely, adverse effects will reflect any increases in sedimentation, bank sloughing, or other kinds of erosion resulting from a plan.

D. Beneficial effects resulting from the preservation of freedom of choice to future resource users by actions that minimize or avoid irreversible or irretrievable effects or, conversely, the adverse effects resulting from failure to take such actions.

While the previous discussion and outline of effects of the various components has been organized essentially in terms of programs or actions affecting environmental conditions, it may also be useful to view environmental effects of a plan in broad categories emphasing the predominant considerations of each, whether aesthetic, ecological, or cultural. Following such a classification, aesthetic values in the environment generally encompass lakes, estuaries, beaches, shores, open and green space, wild and scenic rivers, wilderness areas, and other areas of natural beauty; ecological values in the environment generally embrace the physical quality of water, air, and land (erosion), biological resources, and interrelated ecological systems; and cultural values in the environment are generally accommodated by historical, archeological, and geological resources. As this system of classification is not mutually exclusive, however, it is possible for multiple public values to be reflected within each of the components.

III. OTHER BENEFICIAL AND ADVERSE EFFECTS

For each alternative plan the beneficial and adverse effects on regional development and social well-being will be displayed where appropriate in the system of public information accounts.

A. Beneficial and Adverse Effects on Regional Development

Through its effects--both beneficial and adverse--on a region's income, employment, population, economic base, environment, social development, and other factors, a plan may exert a significant influence on the course and direction of regional development.

The regional development account embraces several types of beneficial effects, such as (a) increased regional income; (b) increased regional employment; (c) population distribution; (d) diversification of the regional economic base; and (e) enhancement of environmental conditions of special regional concern. There are major difficulties in estimating some components of the regional development account, such as the location effects as well as estimating the effects of a plan on regional employment, population distribution, and economic base and stability. For this reason a complete display of beneficial and adverse effects for all components in the regional development account will not be made for a plan unless directed by a Department Secretary or head of an independent agency.

The evaluation of various classes of beneficial and adverse effects on the regional development account is discussed below.

1. Regional income

a. Beneficial effects. An increase in regional income is attained to the extent that water resource investment, together with other complementary investments, increases output and provides additional regional income flows than would otherwise occur in the absence of the plan. Increases in regional output and related income are evaluated in a manner paralleling computation of net income to the various purposes (water supply, power, etc.) and the externalities discussed under the national economic development objective.

Where the regional development effects relate to increases in regional income, two classes of beneficial effects occur. These are:

(1) The value of increased outputs of goods and services

accruing within relevant regions resulting from a plan, including, in addition to the value of outputs to users of the plan:

(a) The value to the relevant regions resulting from the use in construction or installation of the plan of labor resources otherwise unemployed or underemployed.

(b) Additional net income accruing to relevant regions from the construction or implementation of a plan and from other economic activities induced by operations of a plan.

(2) The value of output resulting from external economies accruing within relevant regions.

b. Adverse effects. The adverse effects of a plan upon a particular region include the adverse effects on a region's income; employment; population distribution; economic base; or environmental quality.

Adverse effects on regional income include:

(1) The value of resources within relevant regions required or displaced to achieve the outputs of a plan. This includes in addition to the value of resources contributed from within the relevant regions:

(a) Payment through taxes, assessments or reimbursement by the relevant regions for resources contributed to the plan from outside the region.

(b) Loss of assistance payments from sources outside the region to otherwise unemployed or underemployed resources and displaced resources within the region.

(c) Losses in output in the relevant regions resulting from resources displaced and subsequently unemployed.

(d) Loss of net income in the relevant regions from other economic activities displaced by construction or operation of a plan.

(2) Losses in output resulting from external diseconomies within the relevant regions.

c. Regional incidence of national economic development. Measurement of the beneficial and adverse effects of national economic development follows the same methods outlined under subsection II F and II G above and is a matter of determining the geographic incidence of such beneficial and adverse effects in the regions under consideration and the rest of the Nation.

d. Location effects. Location or transfer effects of a plan can be beneficial or adverse, depending on the region being considered. In any case, these effects are real and important to a region even though from the national view they sum to zero across all regions in the Nation. For this reason (as well as others), regional evaluations should proceed within the framework of a system of regional accounts.

Location effects are generally estimated as a multiplier factor of the more direct project outputs on the region being considered. Several alternative means of calculating such a multiplier value are available. They include input-output studies, economic base studies, and the application of Keynesian multiplier concepts to regions. Recent studies have indicated that all three approaches provide comparable values for the same region. The Water Resources Council will provide information on the appropriate multiplier values to use for specific planning studies.

2. Regional employment. Elimination or substantial reduction of high rates of unemployment--and related underemployment--in particular geographical areas and among particular segments of the population has long been a national concern, and a concern of affected regions. Water and land resource plans undertaken in designated areas characterized by significant economic and employment problems generally result in increased regional employment. When this is the case--and under with and without analysis--beneficial effects are identified and measured as the increase in the number and types of jobs resulting from the plan.

To the extent possible, planning reports will provide reasonable estimates indicating the composition of the increased employment by the relevant service, trade, and industrial sectors, including a separate estimate for agriculture. The nature of the employment increase to each sector will be classified with regard to the level of skills required--unskilled, semiskilled, and highly skilled.

Where practicable, the estimates within each of the sectors will be further classified by other pertinent attributes of the projected employment mix, such as age classes, sex, average wages, and labor force participation rates.

Adverse effects on regional employment are any decrease in the numbers and types of jobs resulting from the development.

3. Population distribution. Contributions toward achieving specified goals for population dispersal and urban-rural balance through improved distribution of population and employment opportunities are included as beneficial effects.

Although the historic movement of the Nation toward urbanization has resulted in much social, cultural, technical, and economic progress, the evidence of recent years suggests--at least for some areas--that the increasing social and economic costs attendant on attainment of high population densities in cities and suburbs are becoming unduly burdensome. The Nation is thus confronted with the task of channeling economic growth in new directions, while significantly reducing social and economic costs.

Maintaining the rural population base while drawing some people back into outlying areas with more opportunities for employment, recreation, more and better living space, and an amenable social environment represents a responsive approach toward redirecting geographic distribution of the population while providing for economic growth and development.

Public investment programs, especially those embracing plans for water and land development and use, contribute toward regional development by providing the water and land supplies--in both quantity and quality--which are an essential prerequisite to creating new settlement opportunities or expanding upon existing rural developments and by assisting in the provision of better social services and improved cultural opportunities at reduced community costs.

These beneficial effects will occur when populations of affected planning areas are stabilized or otherwise increased through in-migrations resulting from implementation of a plan.

Beneficial effects can be measured as the improvement or increase in population and related employment toward attainment of specified distributional goals.

Conversely, adverse effects are identified and measured as increases in the concentration of population and employment contrary to specified objectives.

4. Regional economic base and stability. The economic base of a region consists of those activities which provide the basic employment and income on which the rest of the regional economy depends.

For some regions the mix of the existing economic base may be too narrow and specialized, thus restricting the region's development potential. Over an extended period such a region is likely to be subject to extensive cyclical instability with attendant adverse economic and social consequences. When a region wishes to offset the likelihood of such cyclical instability over the long run, diversification of the economic base may be a beneficial effect.

Water and land resource plans contribute needed inputs--particularly water supply, power, and transportation--that contribute to or assist in creating the essential conditions that enable an improvement in the industrial mix over time leading to a broader production base by which the region can provide a larger portion of the Nation's outputs of goods and services.

When the region under study has too great a concentration or specialization in its economic base and the water and land resource plan being evaluated would have a significant effect in promoting greater diversity, the following information should be shown in planning reports: (1) A statistical description of the area's current economic base, highlighting the employment concentrations which are of concern; (2) projections of future employment both with and without the plan; and (3) the percentage reduction in the area's expected dependence on its specialized type of employment, with as compared to without the water plan. The latter statistic will be shown in tabular displays of plan benefits.

Beneficial effects include contributions to (1) balanced local and regional economies; (2) regularizing market activity and employment fluctuations; (3) offsetting effects of climatic vagaries and accompanying uncertainty; and (4) reversal in decline of community growth.

These beneficial effects may be measured or described in a variety of ways, with primary emphasis on comparative indices relating to fluctuations in output, employment, and prices.

Conversely, adverse effects are identified and measured or described as negative effects on economic stability.

5. Environmental conditions of special regional concern. Where their impact is likely to have special reference to a region's perception of its future development needs, the special concern of a region toward particular elements of the overall environmental quality objective may be given expression through specific incorporation in the regional development effects.

As discussed above, beneficial effects toward improving, preserving, or achieving one or more of the diverse and varied components of the environmental quality objective are identified and measured in a variety of physical dimensions, or otherwise qualitatively described. When such benefits are applicable to regional development, they will be measured and evaluated in a manner consistent with that followed in the above referenced section.

B. Beneficial and Adverse Effects on Social Well-Being

In addition to the effects described above, most water and land resource plans have beneficial and adverse effects on social well-being. These effects reflect a highly complex set of relationships and interactions between inputs and outputs of a plan and the social and cultural setting in which these are received and acted upon. These effects will be reported as appropriate in the system of accounts for each alternative plan.

With emphasis on their incidence or occurrence, beneficial effects on social well-being are contributions to the equitable distribution of real income and employment and to other social opportunities. Since they are integrally related to the basic values and goals of society, these effects are usually not subject to monetary evaluation. The normal market exchange process, however, produces monetary values which can be utilized to aid in measuring the distributional impacts of plans on real income.

Adverse effects of a plan on social well-being have detrimental impacts on the equitable distribution of real income and employment or otherwise diminish or detract from the attainment of other social opportunities. Additionally, such adverse effects include not only those incurred in the designated planning area, but also include adverse consequences elsewhere in the Nation resulting from implementation of the plan.

1. Measurement standards. Criteria used to evaluate or describe the beneficial or adverse effects of a plan will vary with the relevant social effects under consideration. Where appraisal of such diverse social and economic characteristics as income distribution, health and safety conditions, and so forth, is relevant to a proper evaluation of a plan, the measurement standards to be applied must necessarily be broad and variable. Measures used to describe effects on social well-being may be expressed in dollars, other quantitative units, and qualitative terms.

2. With and without analysis. Existing conditions encompassed by the relevant social factors will be described and presented in terms that best characterize the planning perceptions and social setting of the affected area in the situation without the plan. Planners will also prepare similar descriptions for future social conditions to be expected with and without the plan throughout the period of analysis. The situation existing before the initiation of planning will provide the data from which to evaluate significant social effects under alternative plans.

3. Limitations. In evaluating well-being effects the obtaining of detailed breakdowns and analytically useful correlations relating to various indicators, index numbers, and similar comparative statistical indicators, as well as dollar values where possible, presents many complex definitional, data, and measurement problems. Consequently, planning studies should explicitly recognize the limitations of present methods and explore innovative approaches to the identification and measurement of the social well-being effects. Such procedures should be carefully documented in the report.

4. Classes of social well-being effects. Effects of a plan on social well-being are more clearly understood and their significance interpreted by evaluating them as separable classes of social effects. While these are stated in terms of beneficial effects, adverse effects should be read as the converse of each statement. Beneficial effects (and adverse effects) of a plan include:

a. Effects on real incomes. Beneficial effects occur when designated persons or groups receive income generated as a result of the plan.

The income distribution effect can be measured as the net amount of total and per capita income accruing to designated persons or groups.

Current guidelines or yardsticks defining the family poverty line may be used as the data from which to measure and portray the estimated absolute and percentage increase toward meeting or exceeding this standard for specific geographic planning areas.

Conversely, adverse effects are identified and measured as the reduced real income of such persons or groups due to taxes, reimbursement costs, and other adverse economic effects.

b. Effects on security of life, health, and safety. Beneficial effects include contributions to (1) reducing risk of flood, drought, or

other disaster affecting the security of life, health, and safety; (2) reducing the number of disease-carrying insects and related pathological factors; (3) reducing the concentration and exposure to water and air pollution; and (4) providing a year-round consumer choice of foods that contribute to the improvement of national nutrition.

In those limited situations where historical experience is sufficiently documented to provide confidence in projecting likely future hazards, an estimate of the number of lives saved or the number of persons affected may be provided. In most instances, however, a descriptive-qualitative interpretation and evaluation of the improvement and expected results will be applicable.

Conversely, adverse effects are identified and measured or described as increases in hazards to life, health, and safety.

c. Educational, cultural, and recreational opportunities. Beneficial effects to this component include contributions to (1) improved opportunities for community services such as utilities, transportation, schools, and hospitals; and (2) more cultural and recreational opportunities such as historic and scientific sites, lakes and reservoirs, and recreation areas.

Beneficial effects to improved community services may be described in appropriate quantitative terms, while increased cultural and recreational opportunities will be set forth as the numerical increase in the relevant facilities, otherwise accounting for size, use potential, and quality.

Conversely, adverse effects are identified and measured or described as detrimental effects on education, cultural, and recreational opportunities.

d. Effects on emergency preparedness. Beneficial effects include contributions to (1) extending, maintaining, and protecting major components of the national water transportation system; (2) provision of flexible reserves of water supplies; (3) provision of critical power supplies (ample, stable, quickly responsive); (4) provision of reserve food production potential; (5) provision for the conservation of scarce fuels; (6) provision for dispersal of population and industry; and (7) supplying international treaty requirements.

While these beneficial effects will be measured in appropriate quantitative units where readily practicable, they will be largely

characterized in descriptive-qualitative terms.

Conversely, adverse effects are identified and measured or described as overloading capacities of water resource systems and increasing the risk of interruption in the flow of essential goods and services needed for special requirements of national security.

e. Other. Other effects on social well-being may be identified and displayed as relevant to alternative plans.

VI. GENERAL EVALUATION STANDARDS

To assure consistency in the application of planning principles, uniform evaluation guides are necessary. The following general evaluation standards are to be used, to the extent applicable, in planning of water and land resources. Deviation in the application of these evaluation standards and the reasons therefor should be fully reported.

A. General Setting

Plan formulation and evaluation shall be based upon national and regional projections of employment, output, and population and the amounts of goods and services that are likely to be demanded. The Water Resources Council has arranged for preparation and periodic revision of a set of national, regional and area economic projections as a guide to project, State, regional, and river basin planning. These projections are used by the Council as a base for its current views as to probable rates of growth in population, the gross national product, employment, productivity, and other factors. The projections also include expected rates of regional growth in relation to the level of projected national growth. The following table shows the selected national projections published by the Council and reflect the expected rates of national growth under certain assumptions. An alternative set of projections using a lower set of population growth projections and other assumptions are being prepared. The Council may change these national projections by amending these standards to include alternative futures significant to planning water and land resources.

The projections presented here and as elaborated in separate Council publications also serve as a convenient basis for preparing projections of alternative futures.

NATIONAL PROJECTIONS: SELECTED HISTORICAL AND PROJECTED DATA

Year	(1) Population (thousands)	(2) Working age population (thousands)	(3) Total labor force participation rate (percent)	(4) Total labor force (thousands)	(5) Armed forces (thousands)	(6) Civilian labor force (thousands)	(7) Unemployment rate (percent)	(8) Civilian employment	(9) Government civilian employment (percent of civilian government)	(10) Government civilian employment (thousands)
1950	152,271	114,438	57.1	64,749	1,650	63,099	05.9	59,346	09.7	5,732
1955	165,931	119,440	57.7	68,894	3,029	65,865	04.4	62,942	11.0	6,909
1960	180,684	127,338	57.4	73,178	2,514	70,612	05.6	66,681	11.9	7,943
1965	194,560	139,299	58.7	78,359	3,703	74,655	04.4	71,379	13.3	9,503
1966	196,560	140,565	57.0	80,256	3,359	77,044	03.8	74,148	14.0	10,348
1967	198,712	142,896	57.5	82,170	3,448	78,779	04.0	75,658	14.8	11,189
1968	200,706	145,363	57.6	83,882	3,538	80,332	03.7	77,315	15.1	11,687
Rate of increase 1950–1968	1.6%	1.6%	—	1.6%	4.3%	1.3%	—	1.4%	—	3.9%
1980	238,331	174,234	59.4	101,785	3,500	98,753	04.0	94,803	16.4	15,514
2000	307,861	227,470	59.1	134,602	3,000	131,602	04.0	126,338	18.8	23,658
2020	400,053	294,956	59.8	176,427	3,000	173,427	04.0	166,490	20.8	34,572
Rate of increase 1968–2020	1.3%	1.4%	—	1.4%	-0.3%	1.5%	—	1.5%	—	2.1%
Source of historical data	Census	Census	Implicit	BLS	BLS	BLS	BLS	BLS	BLS	BLS
Method of projection	Census to 2015 (P. 25 No. 381) BEA to 2020	Census to 2015 (P. 25 No. 381) BEA to 2020	Based on BLS modified by experience of 1966–68	Col. 3 X Col. 1	Assumed average level of 3,000,000	Col. 4 –Col. 5	Assumed 4%	Col. 6 –Col. 7 X Col. 6	Trend projection	Col. 8 X Col. 9

Year	(11) Private civilian employment	(12) Private economy hours worked per year per man	(13) Private economy gross per man product per hour (1958 dollars)	(14) Private economy gross product (billions of 1958 dollars)	(15) Government gross product (billions of 1958 dollars)	(16) Gross national product (billions of 1958 dollars)	(17) Personal income (percent of gross national product)	(18) Personal income (billions of 1958 dollars)	(19) Earnings (percent of personal income)	(20) Earnings (billions of 1958 dollars)
1950	53,954	2,117	2.72	319,410	35,878	355,879	77.2	274,571	82.6	226,830
1955	58,137	2,061	3.14	392,067	45,956	437,992	76.5	335,110	83.7	280,479
1960	58,738	1,957	3.69	438,513	49,139	487,582	76.9	369,653	85.1	314,741
1965	63,556	1,920	4.43	558,808	67,951	617,799	80.0	495,358	80.7	399,776
1966	65,320	1,918	4.64	606,760	81,799	688,087	80.0	550,951	81.1	447,302
1967	63,710	1,918	4.54	606,120	88,519	694,639	80.4	550,794	80.8	445,581
1968	64,429	1,908	4.74	638,998	68,610	707,608	82.8	585,599	82.4	482,591
Rate of increase 1950–1968	1.1%	-0.4%	3.2%	3.9%	3.7%	3.9%	—	4.2%	—	4.1%
1980	79,289	1,819	7.89	1,068,894	84,777	1,153,671	84.9	979,139	78.1	764,804
2000	102,850	1,819	12.69	2,383,782	222,112	2,605,894	85.0	2,210,196	77.8	1,720,173
2020	131,918	1,736	21.92	5,548,906	174,234	5,723,140	82.8	4,867,314	78.5	3,823,710
Rate of increase 1968–2020	1.4%	-0.25%	3.0%	4.1%	1.8%	4.0%	—	4.2%	—	4.1%
Source of historical data	BLS	BLS	Implicit	BEA	BEA	BEA	BEA	BEA	BEA	BEA
Method of projection	Col. 9 –Col. 10	Trend projection	Trend projection	Col. 11 X Col. 12 X Col. 13	Col. 5 +Col. 9 (salary rate in 1958 dollars)	Col. 14 +Col. 15	Exponential trend projection	Col. 16 X Col. 17	Exponential trend projection	Col. 18 X Col. 19

While a relatively high rate of employment has been assumed in national projections, it is recognized that chronic unemployment and underemployment are problems in many regions. The assumption of a high rate of employment nationally does not preclude consideration of the occurrence of short-run or cyclical fluctuations in the national economy or special analyses of regions with relatively low economic activity and high rates of unemployment.

Planning will also take account of national and State environmental and social standards such as water quality standards, air quality standards, or minimum health standards.

B. Measurement of Beneficial and Adverse Effects

In planning water and related land resources, beneficial and adverse effects of a proposed plan should be measured by comparing the estimated conditions with the plan with the conditions expected without the plan. Thus, in addition to projecting the beneficial and adverse effects expected with the plan in operation, it is necessary to project conditions likely to occur in the absence of the plan. Since economic, social, and environmental conditions are dynamic, changes will occur without the plan in a variety of factors, including regional economic activity, rates of unemployment or underemployment, and environmental conditions. Consequently, only new or additional beneficial and adverse effects resulting from the proposed plan should be attributed to it.

C. Price Relationships

The prices of goods and services used for evaluation should reflect the real exchange values expected to prevail over the period of analysis. For this purpose, relative price relationships and the general level of prices for outputs and inputs prevailing during or immediately preceding the period of planning generally will be used as representing the price relationships expected over the life of the plan. Exceptions to the general rule will occur when the output or input of the plan affects prices, abnormal weather or other factors have temporarily affected prices, or governmental or other institutional arrangements have temporarily affected prices.

The Water Resources Council will publish periodically data on prices of agricultural and other goods and services that can be furnished efficiently for all planning activities. Included in these publications may be special analyses of price problems and simulated

prices for recreation and other project outputs or effects for which market prices are not readily available.

D. The Discount Rate

The discount rate will be established in accordance with the concept that the Government's investment decisions are related to the cost of Federal borrowing.

(a) The interest rate to be used in plan formulation and evaluation for discounting future benefits and costs, or otherwise converting benefits and costs to a common time basis, shall be based upon the estimated average cost of Federal borrowing as determined by the Secretary of the Treasury taking into consideration the average yield during the twelve months preceding his determination on interest-bearing marketable securities of the United States with remaining periods to maturity comparable to a 50-year period of investment: Provided, however, that the rate shall be raised or lowered by no more than or less than one-half percentage point for any year.

When the average cost of Federal borrowing as determined by the Secretary of the Treasury exceeds the established discount rate by more than 0.25 percentage points, the rate shall be raised 0.5 percentage points. When the average cost is less than the established rate by more than 0.25 percentage points, the rate shall be lowered 0.5 percentage points.

(b) The Water Resources Council shall determine, as of July 1, the discount rate to be used during the fiscal year. The Director of the Water Resources Council shall annually request the Secretary of the Treasury during the month of June to advise the Water Resources Council of his determination of the average cost of Federal borrowing during the preceding twelve months.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the discount rate to be used in plan formulation and evaluation during the remainder of the fiscal year 1974 shall be 6-7/8 percent.

E. Consideration and Comparison of Alternatives

A range of possible alternatives to meet needs and problems, including types of measures and alternatives capable of application by various levels of government and by nongovernmental interests, should be studied. These alternatives should be evaluated or judged as to

their contribution to the objectives and other effects.

Plans, or increments thereto, will not be recommended for Federal development that, although they have positive contributions to the objectives, would physically or economically preclude alternative non-Federal plans which would likely be undertaken in the absence of the Federal plan and which would more effectively contribute to the objectives when comparably evaluated according to the principles.

The alternative non-Federal plan that would likely be physically displaced or economically precluded with development of the Federal plan, or increments thereto, will be evaluated for purposes of this determination on a comparable basis with the proposed Federal plan with respect to their beneficial and adverse effects on the objectives, including the treatment of national economic development effects and the discount rate used in the evaluation. Taxes foregone on the proposed Federal plan and taxes paid on the non-Federal alternative will be excluded in such comparisons for the evaluation of the national economic development objective.

F. Period of Analysis

The period of analysis will be the lesser of: (1) The period of time over which the plan will serve a useful purpose considering probable technological trends affecting various alternatives; or (2) the period of time when further discounting of beneficial and adverse effects will have no appreciable result on design. Where pertinent, however, appropriate consideration will be given to long-term environmental factors which may extend beyond periods significant for analysis of effects for national or regional economic development.

Salvage value remaining at the end of the period of analysis should be taken into account for income-producing features of the plan.

For the environmental quality objective, the goal may be to achieve a level of environmental quality during or at the end of the period of analysis and to maintain this level into the indefinite future.

One hundred years will normally be considered the upper limit of the period of analysis, and shorter periods will be used whenever appropriate for any of the considerations described above.

G. Scheduling

Plans should be scheduled for implementation in relation to needs

so that desired beneficial effects are achieved effectively. Beneficial and adverse effects occurring according to different patterns in time are affected differently by the discount process when plans are scheduled for implementation at alternative future times. Therefore, plan formulation should analyze the alternative schedules of implementation to identify the schedule that would result in the most desirable mix of contributions to the objectives when the beneficial and adverse effects of a plan are appropriately discounted.

While beneficial and adverse effects toward the objectives will accrue over different time frames for the alternative implementation schedules, the discontinued equivalent of such beneficial and adverse effects to be considered in the comparison of the alternative implementation schedules should represent the present value of the beneficial and adverse effects toward the objectives for each alternative implementation schedule at a common point in time.

H. Risk and Uncertainty

Since future events cannot be predicted with certainty, beneficial and adverse effects actually realized in the future may differ from the values expected of them at the present. In some cases, the range of variation can be anticipated and the sensitivity of proposed plans or projects to future contingencies can be evaluated.

Risk may be characterized as being reasonably predictable, since bases are available to calculate the probability or frequency of losses associated with its occurrence. For example, average losses from fires, storms, pests, and diseases can be estimated with reasonable assurance. Thus, the value attached to risk may be converted into a reasonably certain annual allowance. The net returns of a project should exclude all predictable risk, either by deducting the allowance therefor from the beneficial effects or adding such allowance to the project costs. The basis for making a risk allowance in estimating the beneficial and adverse effects of a program or project should be clearly stated.

Uncertainty is characterized by the absence of a basis for predicting the probability of occurrences. Uncertainties may result in estimating beneficial and adverse effects from such factors as fluctuations in the levels of economic activity, technological changes or innovations, and unforeseeable developments. Allowances for uncertainties must be based largely upon judgment, since information is not available for calculating a value. The nature of the uncertainty thought to surround beneficial and adverse effects should be discussed in planning reports, and specific strategies, such as flexibility in project designs, recommended to cope with it. In addition, sensitivity analysis

may be employed to analyze uncertain situations.

I. Sensitivity Analysis

Planning organizations should examine the sensitivity of plans to data availability and to key items for which alternative assumptions might be appropriate. Examples of such items include prices; discount rates; and economic, demographic, and technological trends. Selected projections and assumptions of alternative futures that are likely and that, if realized, would appreciably affect plan design or scheduling should be analyzed.

J. Updating Plans

Because of rapid change in social, economic, technologic, physical, and other factors, a plan for a project prepared under these standards that is not implemented within 10 years after completion should be reviewed to ascertain whether it continues to be the best alternative to achieve the objectives.

V. PLAN FORMULATION

A. Introduction

As set forth in principles, the formulation of plans will be directed to meeting current and projected needs and problems as identified by the desires of people in such a manner that improved contributions are made to society's preferences for national economic development and environmental quality.

1. Major steps in plan formulation. Plan formulation is a series of steps starting with the identification of needs and problems and culminating in a recommended plan of action. The process involves an orderly and systematic approach to making determinations and decisions at each step so that the interested public and decisionmakers in the planning organization can be fully aware of the basic assumptions employed, the data and information analyzed, the reasons and relationales used, and the full range of implications of each alternative plan of action. This process should be described in enough detail in the report of the study so that it may be replicated by others.

The plan formulation process consists of the following major steps:

1. Specify components of the objectives relevant to the planning setting;

2. Evaluate resource capabilities and expected conditions without any plan;

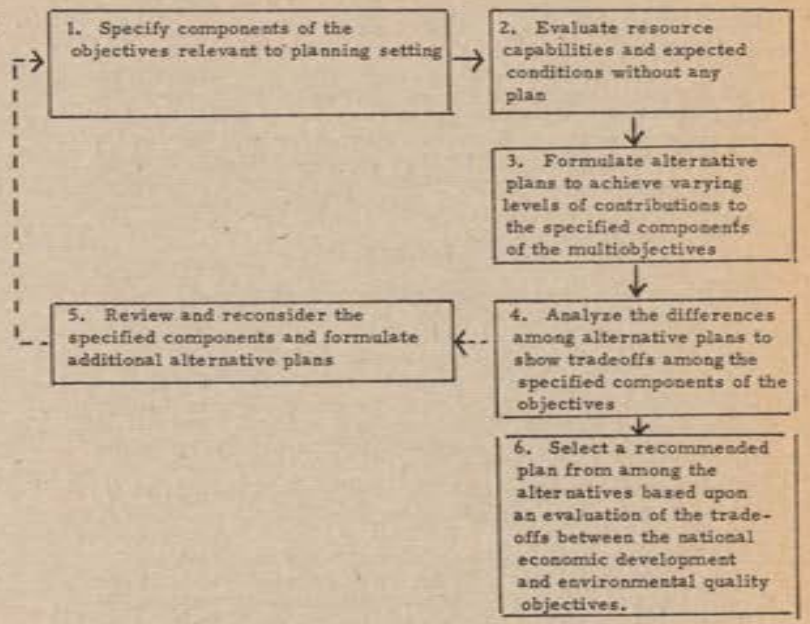
3. Formulate alternative plans to achieve varying levels of contributions to the specified components of the objectives;

4. Analyze the differences among alternative plans to show tradeoffs among the specified components of the objectives;

5. Review and reconsider, if necessary, the specified components for the planning setting and formulate additional alternative plans as appropriate; and

6. Select a recommended plan from among the alternatives based upon an evaluation of the tradeoffs between the objectives of national economic development and environmental quality.

In the subsequent parts of this section each of these steps is described in more detail. The major steps involved in this process are shown schematically at the end of this subsection. It should be noted that the plan formulation process described herein is not just a once-through process but may be reiterated several times, with each reiteration being somewhat more detailed than the previous one. The plan formulation process must be tailored to fit a given planning situation and the detail and depth of analysis will necessarily vary with each level of planning.



2. Levels of planning. The standards for plan formulation apply to the preparation of framework studies and assessments, regional or river basin studies, and implementing studies. The important differences in the application of these plan formulation standards to different levels of planning are the relevant component needs, the level of detail with respect to beneficial and adverse effects in the decision process, and the types of alternative courses of action that are considered.

a. Framework studies and assessments (Level A). Framework studies and assessments will evaluate or appraise on a broad basis the needs and desires of people for the conservation, development, and utilization of water and land resources; will identify regions or basins with complex problems which require more detailed investigations and analysis; and may recommend specific implementation plans and programs in areas not requiring further study. They will consider Federal, State, and local means.

Framework studies and assessments of major regions are designed to:

(1) Determine the extent of water and land problems and needs;

(2) indicate the general approaches that appear appropriate for their solution; and

(3) identify specific geographic areas where regional, river basin, or implementation planning studies are needed. For framework studies and assessments, the information to be assembled should be consistent with the level of detail as outlined in guidelines for framework studies and assessments to be issued by the Water Resources Council. The framework studies and assement should identify the complementarities and conflicts among components of the objectives. Alternative courses of action will be considered for each of the specified subbasins. Framework studies and assessments usually do not provide a basis for recommending specific action for water resource development. However, comparisons should be made between alternative courses of action to indicate potential complementarities and conflicts that may exist as relative emphasis is shifted from one objective to another. This information will provide a basis for a decision as to which areas require more detailed regional, river basin, or implementation studies.

b. Regional or river basin plans (Level B). Regional or river basin plans are reconnaissance-level evaluations of water and land resources for a selected area. They are prepared to resolve complex longrange problems identified by framework studies and assessments and will vary widely in scope and detail; will focus on middle term (15 to 25 years) needs and desires; will involve Federal, State, and local interests in plan formulation; and will identify and recommend action plans and programs to be pursued by individual Federal, State, and local entities.

Regional or river basin plans are concerned with a broad array of component needs of objectives. Alternate plans will consider effects on many components of objectives, and the analysis of tradeoffs among alternatives will be quite complex. Scheduling for implementation of the various elements of the recommended plan will be presented to indicate how each element relates to projected needs and the urgency and priority associated with meeting the needs.

Section 209(a), Public Law 92-500, Federal Water Pollution Control Act as amended, October 18, 1972, provides that Level B (regional or river basin) plans be completed by the Water Resources Council for all river basins in the United States by January 1, 1980.

The identification of the more urgent elements of the plan that require early action will guide subsequent implementation studies.

c. Implementation studies (Level C). Implementation studies are program or project feasibility studies generally undertaken by a single Federal, State, or local entity for the purpose of authorization or initiation of plans. These studies are conducted to implement findings, conclusions, and recommendations of framework studies and assessments and regional or river basin studies.

Plan formulation for implementation studies will focus on the preparation of a recommended plan of action to follow in the next 10 to 15 years. Long-range projections of the need for and use of water and land resources will be considered, however, primary attention should be directed toward the formulation of a plan to meet near-term needs and alleviate problems. Such plans will be oriented toward an identified set of specific components of the two objectives for the planning area. The complexity of the plan formulation process will depend on the extent of the needs and problems in the area and the variety of planning functions that may be employed to meet the needs. In some cases, the array of component needs to consider may be large. Other implementation studies may be oriented toward a single objective and, hence, will be concerned with only a few needs and alternatives.

B. Specification of Components

At the outset and throughout the planning process the specific components of the objectives that are significantly related to the use and management of the resources in the planning setting will be expressed in terms of needs and problems in the context of the objectives of national economic development and environmental quality.

The term "specific component of the objectives" refers to the desired achievement of types of goods, or services and environmental conditions, that are being sought as contributions to the objectives. These components can be considered and desired. The term "component needs" as used herein refers to the type, quantity, and quality of desired beneficial effects.

Reference should be made to the definition and description of objectives and benefits presented in section II as the basis to determine the full range of components of the objectives, only a few of which are presented in this section as examples to illustrate the plan formulation process.

1. National economic development. For the national economic development objective, the components will usually be expressed at two levels.

a. The first level directly relates to the objective in the sense of the specification of the actual outputs of goods and services desired. Hence, the first level of specified components of this objective will generally be depicted in terms of increased outputs of goods and services or their more efficient production such as the following:

(1) Increased or more efficient output of food and fiber;

(2) Increased or more efficient output of recreational services;

(3) Increased or more efficient production of energy;

(4) Increased or more efficient production of transportation services;

(5) Increased productivity of land for residential, agricultural, commercial, and industrial activities;

(6) Increased or more efficient production of necessary public services such as municipal and domestic water supply; and

(7) Increased or more efficient industrial output.

b. The second level of specification of the components of the national economic development objective follows from the translation of the first level specification of needs for goods and services into specific needs for water and land resources. In the context of the above, the second level specification of components would be established in terms such as the following:

(1) Water and land for irrigation;

(2) Water and land related recreation opportunities in terms of user days;

(3) Hydroelectric power needs;

(4) Inland navigation or deep draft harbor needs;

(5) Provision of flood-free land or provision of stabilized lands;

(6) Water supplies for municipal and domestic use; and

(7) Water supply for industrial use.

The above examples are not intended to exhaust either the wide variety of outputs of goods and services that can become specific components or the total range of specific water and land needs into which the first level of components is translated. The major point is that to determine the specific components of the national economic development objective, it will usually be necessary to approach the problem, first, at the general level of the types of national outputs of goods and services and then translate these into specific water and land needs or problems.

It should further be noted that the specification of components of the national economic development objective at either level should always be stated in terms of outputs (which are the beneficial effects of a plan), but never in terms of the inputs to a plan. This also holds true in the specification of the components of the environmental quality objective as well.

2. Environmental quality. The components of the environmental quality objective may be directly expressed as the achievement of specific environmental conditions such as the following:

(1) Miles of scenic river of specified characteristics;

(2) Acres of ecological areas of specified type preserved or enhanced;

(3) Reach of river meeting specified water quality standards; and

(4) Number of open space areas of specified type.

3. Participation. The actual derivation and identification of components require several different approaches. An initial point of departure is the national and regional economic analyses and projections provided by the Council. These will be useful in a first-cut definition of the economic parameters of the components of the objectives. More detailed definitions will require in-depth consultation with Federal, State, and local officials familiar with the planning setting. Direct input from the public involved at the local and regional level is important and will be accomplished by:

a. Soliciting public opinion early in the planning process;

b. Encouraging periodic expression of the public's views orally, and recording their opinions, and considering them;

c. Holding public meetings early in the course of planning to advise the public of the nature and scope of the study, opening lines of communication, listening to the needs and views of the public and identifying interested individuals and agencies;

d. Making available all plans, reports, data analysis, interpretations, and other information for public inspection.

Efforts to secure public participation should be pursued vigorously through appropriate means of public hearings, public meetings, information programs, citizens committees, etc.

Definition and specification of the components of the environmental quality objective will require direct consultation with groups identified with environmental concerns as well as with those groups within a planning setting whose actions have significant impacts on the environment. A broad spectrum of public groups and interests must be considered and consulted in the identification of the components.

4. Projected conditions. The components of the objectives will be drawn for both current and future conditions. Projections should be made for selected years over a specified planning period to indicate how changes in population and economic conditions are likely to impact on the components over time.

Economic and demographic projections should be consistent with the Council's national baseline projections which reflect differential regional growth patterns and probable future population and economic conditions of all regions of the Nation. Additional projections representing other views of the future may also be made. Such projections,

however, should be made on a comparable basis with the baseline projections to enable valid comparisons to be made between alternative plans based on these different projections. Because demands for commodities and services are a function of price, the future needs are also affected by price. Therefore, the assumptions relating to prices used to determine the future needs must be stated.

Environmental needs of the future should be identified in terms of specific features of the natural environment of the area that will assure a continuance of sources with limitations alleviated or a healthful, scenic, and aesthetically satisfying experience to all citizens. For instance, unique archeological, historical, and biological features of the area that are desired for preservation for future generations should be identified. Desired environmental conditions for the future should be explicitly stated. These environmental component needs should reflect not only current preferences but should attempt to reflect the preferences likely to prevail in the future.

5. Sensitivity tests. In view of the uncertainty, with respect to both economic and demographic change as well as the uncertainty of future preferences for the components of the environmental objective, it will be necessary in projecting the needs associated with these components to show alternative levels in the future as the basis for testing the sensitivity of alternative plans when evaluated against different levels of needs for a given component in the future.

6. Preferences. The specification of the components of the objectives must reflect the specific effects that are desired by groups and individuals of the planning area as well as the specific components declared to be in the national interest by the Congress or by the executive branch through the Water Resources Council. In this way the components of objectives will reflect local, State, and national preferences and priorities as well as the extent of complementarity and conflict among components.

In this regard, the identification and detailing of the components of the objectives should be viewed as the process of making explicit the range of preferences and desires of those affected by resource development in terms of reference that can form the basis for the formulation of plans. Rather than a single level of achievement being set forth for any specified component, a range of possible levels should set forth so that the relevant preferences can be seen for a given component. It should be anticipated that the initial specification of components will be modified (expanded or reduced) during subsequent steps in plan formulation to reflect the capability of alternative plans to satisfy component needs and to reflect technical, legislative, or administrative constraints.

C. Evaluation of Resource Capabilities

In very broad terms, the first step of specification of the components of objectives can be viewed as establishing the boundaries of demand (needs or problems) in the context of each objective. In the next step, evaluation of resource capabilities, the initial evaluation is made of the supply (availability) of the resources that can be employed to satisfy the current and future levels of demand.

Resources of the planning area shall be evaluated in terms of their ability to meet the current and projected demands identified for each component under two sets of conditions:

(1) Capability of resources without any planned action; and

(2) capability of water and land reproductivity enhanced through management plans. An analysis of the capability of resources to meet the projected demands without any planned action will reveal the extent and magnitude of unsatisfied component needs and indicate the requirement for some specific plan of action to assure their satisfaction. To the extent that the water and land resources without any planned action are unable to meet current and projected needs or to the extent that resource management enables the needs to be met more efficiently, there is an evident justification for formulating alternative plans.

In this formulation step, the first task is to undertake a selective inventory of the quantity and characteristics of water and land resources of the planning area and an appraisal of opportunities for further use of these resources. Problems limiting the use of resources should also be identified.

The resources inventory should include data on all physical factors appropriate to the investigation. Examples of the type of information needed include:

1. Hydrologic data such as rainfall and runoff characteristics, frequencies of high and low flows, availability of groundwater, natural lakes, marshes, and estuaries;

2. Water quality data, including dissolved oxygen temperature, turbidity, and mineralization;

3. Geology and topography of the planning area;

4. Land capability and use classifications;

5. Archeological, historical, cultural, scenic, or unique areas;

6. Biological resources; and

7. Current and planned water uses.

Based on an analysis of the inventory, the next step requires that an appraisal be made of the capability of the resources to support further use for the component needs. This would provide guidance as to the possible scope and magnitude of plans to meet the demands for each component. This appraisal would require identification of possibilities for management, development, and other opportunities for action such as:

1. Reservoir sites cataloged as to possible ranges of storage capacities;

2. Preservation of scenic streams;

3. Stream channel improvement possibilities;

4. Land treatment and enhancement measures;

5. Preservation or enhancement of fish and wildlife; and

6. Preservation or enhancement of a cultural or archeological area.

These possibilities for management, development, or other actions will indicate the resources capabilities relative to specific commodities, services, or environmental amenities desired by society. By proper selection of these development possibilities, plans may be formulated to meet the needs for each component of the objectives.

Problems likely to present impediments to the attainment of the desired levels of national or regional output of goods and services, environmental amenities, or social opportunities for the planned period should be identified. Problems may take the form of physical constraints that limit resource use, conflicts in resource use, legislation that hibits desired use or development, or other limitations.

At this point, it should be possible to generally outline the total development and resource use programs that are needed to meet current and projected needs for each component of the objectives. An examination of these potential programs may reveal conflicts and complementarities among them. In addition, other programs may also be available. These may include such alternatives as changes in production processes for increased efficiency, meeting needs by shifting demand to other areas, or encouraging more rapid rates of technological progress.

D. Formulation Of Alternative Plans

In the first two steps in the plan formulation process, the components of the objectives were specified in terms of needs and problems, the resource capability within the planning areas were evaluated, and the broad outlines of management, development, and other actions were identified. The next step is to undertake the actual design and scaling of alternative plans.

Ideally, in the presence of a situation where there are few or no constraints on planning and where the components of the objectives are essentially complementary (the satisfaction of one component need does not preclude the satisfaction of the other component needs), the formulation of a single plan would be sufficient. The only test required would be that the plan was the most efficient plan to satisfy the specified level of component needs. Although in only a few instances will this situation occur, the case does help to establish the guidelines and criteria to judge the range of alternative plans that should be formulated and the tests to be applied in formulating any given plan.

The requirement for the formulation of alternative plans derives from the basic characteristics of the approach when more than one objective is involved. First, instead of the component needs of the two objectives being complementary, it is more likely they will be in conflict-the satisfaction of one will reduce the satisfaction of others. Second, given uncertainty with respect to future economic and demographic changes and the general uncertainty with respect to future preferences for the environmental quality objective, a single specified level of achievement or need satisfaction for any given component is not likely to be acceptable through time. Other factors contributing to the necessity for formulation of alternative plans include limited resources, technical planning constraints, and legal and administrative constraints.

Suggestions as to the determination of the general nature and types of alternative plans which should be formulated and the number of alternatives which should be developed within each general type are given below.

A first requirement is to determine the general types of alternatives to be developed under alternative assumptions concerning the level and magnitude of component needs in the future. Given alternative assumptions concerning future economic and demographic trends for the planning setting and the total range of component needs related thereto, a set of alternative plans should be prepared for each major assumption concerning the future. In those planning situations where there does not exist a strong linkage between water and land development and major shifts in economic and demographic trends, the Council's baseline projections will generally be used as a single set of assumptions about the future level of component needs required. Where the linkage is sufficiently strong so that water and land development may materially alter future economic or demographic trends, this relation should be reflected in alternative assumptions. Where the planning area may be unusually susceptible to other factors that could easily change in the future, it will be appropriate to establish a basis for a different set of alternative plans based on alternative assumptions concerning future change. In this instance, a sensitivity check should be made to ascertain the extent to which component needs will vary significantly given different assumptions concerning the future. If no significant variation is found, only one set of alternative plans will have to be developed.

Within a given set of assumptions concerning future change and the component needs associated thereto, the number and types of alternative plans to be developed will be determined by applying the following:

1. On a first approximation basis array component needs that are essentially complementary--that is, the satisfaction of one of these component needs does not preclude satisfaction of the other component needs or does not result in materially adding to the cost of satisfying the other component needs in the array; and

2. From the above approximation, it should be possible to group component needs and the elements of a plan to satisfy those needs that are essentially in harmony, each set representing the nucleus for an alternative plan.

At this step, relevant alternative means of meeting each of the component needs to be included in an alternative plan should be identified. All relevant means should be considered. An analysis should be made for each alternative means, including an identification of the beneficial and adverse consequences to other component needs. The assembly of information on alternative means of meeting the component needs will provide a basis for selecting the most effective means, or combination of means, of satisfying all component needs.

The significance of this step is threefold: (1) It provides information on the effectiveness of alternative means of satisfying a component need; (2) it provides information on the extent of complementarity or conflict among component needs in relation to a particular means; and (3) it provides a basis for selecting alternative means for satisfying a component need in the formulation of an alternative plan.

At this point, it should be possible to formulate alternative plans built upon the set of complementary component needs and plan elements. These essentially are the building blocks for the formulation of alternative plans. In formulating a given alternative plan, initial consideration will be given to its orientation toward fulfilling the component needs for one of the objectives. Further additions should be made for the component needs of the other objective, provided that their addition to a given plan does not significantly diminish the contributions of the overall plan to that objective toward which the plan is oriented. An analysis of the alternative plan, in terms of beneficial and adverse effects, will reveal the extent of any shortfalls against the other objective. The process is then repeated until sufficient numbers of alternative plans have been formulated so that there is at least one plan that generally satisfies each specified component need of the objectives. This does not mean that there must be a plan for each objective that excludes plan elements that significantly contribute to the component needs of the other objective nor does it mean that a given alternative plan cannot appropriately satisfy the component needs of both objectives. Additional alternative plans may be required where there are possible conflicts among the component needs within a given objective.

A precise number of alternative plans cannot be specified in advance but will be governed by the relevancy of the objectives to a given planning setting, the extent of component needs and their complementarity, the available alternative means, and the overall resource capabilities of the area under study.

To facilitate comparisons and tradeoffs among alternative plans and comparisons of beneficial and adverse effects measured in nonmonetary terms with beneficial and adverse effects measured in monetary terms, one alternative plan should be formulated in which optimum contributions are made to the component needs of the national economic development objective. Additionally, during the planning process at least one alternative plan will be formulated which emphasizes the contribution to the environmental quality objective. Other alternative plans reflecting significant tradeoffs between the national economic development and environmental quality objectives may be formulated so as not to overlook a best overall plan.

In formulating alternative plans, tests of acceptability, effectiveness, efficiency, and completeness should be applied.

The acceptability test refers to the workability and viability of the plan in the sense of acceptance of the public and compatibility within known institutional constraints.

The effectiveness test refers to technical performance of the plan and the level of contribution to the components of the objectives.

The efficiency test requires that among all acceptable alternatives, Federal and non-Federal, water and nonwater, structural or nonstructural, the given alternative plan should be the least cost means, considering all adverse effects, of achieving specified components of the objectives when comparably evaluated according to these standards.

The completeness test requires that a given alternative plan provide and account for all necessary investments or other actions that will be needed to assure the full realization of the contributions provided by the plan to the components of the objectives specified for the planning area. This may require relating the water and land resources plan to other types of public or private plans where they are crucial to the full realization of the contributions to the objectives. The rule to follow is that beneficial and adverse effects must be treated comparably when relating water and land resource plans to other plans.

In formulating alternative plans to satisfy the component needs of the environmental quality objective, consideration may be given to an alternative which explicitly precludes any significant forms of physical construction or development. Where such a "no development" alternative is considered, it must be recognized that positive action is nonetheless required to assure that the "no development" concept can be realized and, further, that the particular environmental characteristics that it is desired to maintain or enhance through the "no development" alternative may change through time as a result of changing conditions within a planning setting. Positive actions, such as zoning or public land acquisition, may be necessary to accomplish the "no development" alternative. The test of plan completeness must be very carefully applied for this type of alternative plan.

E. Analysis of Alternative Plans

In the previous formulation step, a series of alternative plans were formulated and their beneficial and adverse effects evaluated and measured in accordance with the definitions and measurement standards set forth in section III of these standards. A display of the beneficial and adverse effects will be developed for each alternative plan in a form similar to that shown and discussed in section VI, System of Accounts.

In this formulation step, an analysis and comparison of alternative plans is outlined to make the following determinations:

1. The effectiveness of given alternative plans in meeting the component needs of the objectives;

2. The differences among alternative plans in terms of their contributions to the objectives and where appropriate and their effects on regional development and social well-being; and

3. The relative value of those beneficial and adverse effects that are essentially presented in nonmonetary terms, in terms of what is given up or traded off among plans with varying degrees of contributions to the objectives.

These determinations are essential to the subsequent step for selection from among the alternatives of a recommended plan.

The first determination involves the analysis of how well each alternative plan performs against the component needs that served as the basis for its formulation. The analysis should include an appraisal of any shortfalls against component needs for which the plan was formulated and the extent of shortfall against other component needs. For instance, if a given alternative has been formulated with emphasis on the component needs for the national economic development objective, the analysis should indicate the performance of the plan in terms of those needs and further indicate the degree to which the component needs for the environmental quality objective have been fulfilled or remain unmet. For this purpose, measures of performance should be developed that characterize how a particular plan performs against the component needs of the objectives.

The second determination involves the systematic comparison of the performance of given alternatives with each other. The purpose for these comparisons is to portray the extent of difference among alternative plans as a basis for reducing the number of alternative plans to be considered in the selection of a recommended plan. The comparisons should be carried out to display the type of information on beneficial and adverse effects shown in section VI.

These comparisons will facilitate the evaluation of the significance of the differences among alternative plans. While all alternative plans will tend to differ, the degree and extent of difference is critical in reducing the number of alternative plans to be seriously considered for recommendation.

The third determination involves a special analysis designed to provide an approximation of relative monetary values to those effects to objectives that are generally characterized and displayed in nonmonetary terms. It is not the purpose of the analysis, however, to convert such effects to monetary equivalents but to gain an insight with respect to the relative value of such effects by understanding their impact upon monetary values which, as a practical matter, is a generally understood common denominator for decisionmakers.

This analysis involves extracting information from the previous evaluation involved in comparison of plans. For the purposes of the special analysis, the alternative plan that optimizes the national economic development objective is compared with the alternative plans that emphasize the environmental quality objective. Enhancement of environmental quality, for example, can be related to beneficial effects foregone or increased adverse effects in national economic development. Likewise, an increase in national economic development can be compared with adverse effects on environmental quality. From this analysis, it should be possible to develop an array of relative values for the nonmonetary effects.

While not designed to provide a basis for conversion of nonmonetary beneficial and adverse effects to monetary terms, this analysis does provide the range of monetary tradeoffs involved for the nonmonetary effects for a particular planning setting and will serve to point out that any final evaluation of the worth of nonmonetary effects must be seen in the context of the alternative way of using a particular resource.

F. Reconsideration of Components and Alternative Plans

As indicated in the introduction to this section, plan formulation should be viewed as a continuous process that must be reiterated during the overall planning process based upon the results of the initial consideration of plan formulation described above. Further, it should be noted that the level of analysis probably should not be detailed until the results of the initial or subsequent reiterations more clearly indicate the relevancy of the components of objectives to the planning setting and the range and number of alternatives that should be considered as the basis for selecting a recommended plan. It should be stressed, with respect to alternative plans, that in the last formulation step, the selection of a recommended plan, only alternatives that could be favorably recommended for various mixes of the components of the objectives will be considered.

The basis for reiteration of the plan formulation process at this point or for modifying certain steps in that process should be based upon the following considerations:

1. Level of detail inadequate as basis for selection of a recommended plan;

2. Alternatives considered result in significant shortfalls in meeting the component needs of one or both of the objectives;

3. Resource capability and alternatives considered suggest that the initial specification of component needs was in error and requires modification;

4. Public policy changes occurring during the planning study suggest change in emphasis for the objectives; and

5. Additional information obtained on resource capabilities or the technical aspects of alternative plans.

The above considerations are only suggestive of the conditions requiring reappraisal and reiteration of the plan formulation process. As a general guide, however, in determining the extent and number of reiterations that should be undertaken, a judgment must be made as to whether or not new information, further detail, or other change in the conditions listed above are likely to result in either significant changes in the component needs or in the alternatives considered.

G. Plan Selection

The culmination of the plan formualtion process is the selection of a recommended plan from among the alternative plans. Based upon the analysis of alternative plans and the results of reiterations of the plan formulation process, a set of alternative plans should be developed--each one of with, given the relevant mix of contributions to components of the objectives, could be selected on its own merits as a recommended plan or recommended course of action. It is from among these alternatives that a recommended plan will be selected.

The previous formulation steps should effectively screen the number and types of alternatives that are to be considered as candidates for a recommended plan. In general, these alternatives should possess the folllowing characteristics:

1. For the given set of component needs, each alternative plan should be the most efficient means to achieve those needs.

2. The plans should be significantly differentiated from each other, primarily in terms of emphasis on objectives; that is, each alternative plan makes a unique contribution to one or both objectives not provided for by any of the other alternatives under consideration. Using the analysis of alternatives, those alternatives that may have been formulated with essentially similar characteristics in terms of component needs with only minor differences should be screened to select the alternative that provides the best mix of contributions to the specific set of component needs.

3. Without regard to assigning priorities or weights to the component needs of a particular alternative to differentiate such alternative in terms of the other alternatives, each alternative must be "justified" in the sense that in the judgement of the planning organization the total beneficial effects

(monetary and nonmonetary) to the objectives relevant to the alternative are equal to or exceed the total adverse effects (monetary and nonmonetary) to those objectives.

Given the above screening process, the choice of a recommended plan from among the remaining alternatives is essentially a choice governed by a reasonable and rational perception of priorities and preferences about the mix of objectives. It is not a choice predicated upon an analysis of the most justified plan, since each alternative to be considered at this step of the overall formulation process can be justified on its own merits in terms of its contributions to the given mix of component needs relevant to each alternative.

If explicit priorities or weights were assigned to the beneficial and adverse effects to each component need of the objectives, it would be possible to select a best plan to be recommended with a minimum of judgment. In most cases, however, such priorities or weights will not be available and, as set forth in Principles, selection of a recommended plan will be based upon an appraisal so that the beneficial and adverse effects to the mix of objectives, to the best of current understanding and knowledge, reflect the priorities and preferences expressed by the public at all levels to be affected by the plan.

The basis of selection will be fully reported upon indicating all considerations made in the selection process. A recommended plan must have net national economic development benefits unless the deficiency in net benefits for the national economic development objective is the result of benefits foregone or additional costs incurred to serve the environmental quality objective. In such cases, a plan with a less than unity benefit-cost balance may be recommended as long as the net deficit does not exceed the benefits foregone and the additional costs incurred for the environmental quality objective. A Departmental Secretary or head of an independent agency may make an exception to the net benefits rule if he determines that circumstances unique to the plan formulation process warrant such exception.

An explicit presentation will be shown of the comparisons and resulting tradeoffs of the recommended plan to other alternative plans considered for recommendation. This will be shown in accordance with the system of accounts in section VI.

VI. SYSTEM OF ACCOUNTS

The system of public information accounts is an information system that displays beneficial and adverse effects of each plan on the objectives and on regional development and social well-being and provides a basis for comparing alternative plans. The display of beneficial and adverse effects on the national economic development and environmental quality objectives and on regional development and social well-being will be prepared in such manner that the different levels of achievement to each objective and effects on regional development and social well-being can be readily discerned and compared, indicating the tradeoffs between alternative plans.

For purposes of accounting, the distribution of beneficial and adverse effects will be shown to whomsoever they accrue. This will include display of the distribution of national economic development, environmental quality, regional development and social well-being effects to regions, income classes, and interest groups relevant to the particular plan and will reflect the cost information specified in Section VII below. The system of accounts will display the beneficial and adverse effects in relevant regions in relation to the rest of the Nation.

The system of accounts calls attention to the important aspects of information which must be generated and displayed if the decision-making process is to be effective. The evaluation framework through the system of accounts provides for a systematic investigation of the full range and extent of effects of a plan and provides for a display of this information in a format which is clear and useful to all participants in the decision process.

Four accounts will be used for displaying beneficial and adverse effects and for showing and analyzing the tradeoffs among plans. The four accounts to be used are national economic development, environmental quality, regional development, and social well-being.

Two series of displays will be prepared. In the first, gross beneficial and gross adverse effects and net beneficial effects where appropriate will be displayed in four accounts for each alternative plan. The second series of displays will be used to provide a ready comparison of the alternative plans.

In the first series of displays, beneficial and adverse effects to be shown in each account will be in accordance with the definition and discussion of beneficial and adverse effects by components of the objectives and on regional development and social well-being contained in Sections II and III Values for the national economic development account will be expressed in monetary units; values for the environmental quality account will be expressed in appropriate quantitative units or qualitative terms; and the regional development account and the social well-being account will include a combination of monetary units and other appropriate quantitative units or qualitative terms. Tables 1, 2, 3, 4, and 5 illustrate the nature and the content of the first series of displays.

Table 1 is a schematic diagram of the system of accounts and illustrates the basis for summarizing beneficial and adverse effects in each account. Table 1 indexes the detailed display of beneficial and adverse effects by components in tables 2, 3, 4, and 5. The components of the national economic development account appear in table 2. The components of the environmental quality account appear in table 3. The components of the regional development account appear in table 4. The components of the social well-being account appear in table 5. The tables include hypothetical data on beneficial and adverse effects as examples only. These should not be considered necessarily inclusive as to specification of components or coverage nor should they be considered mandatory. The appropriate components should be specified in each planning study.

For the purposes of accounting for regional development the standard set of economic accounting areas designated by the Water Resources Council will be used. The Council will maintain a set of economic projections for these economic accounting areas and a capacity to provide additional analysis for planning studies on request. The economic area projections will be compatible with the Council's projections of national growth.

A plan may have effects on one or more of the economic accounting areas. As many economic accounting areas as necessary will be included in order to cover the geographic area relevant to the regional development account. The effects of a plan upon the individual economic accounting areas comprising this geographic area should be identified in the planning report in order to take account of the plan in subsequent evaluations of problems and needs.

The system of accounts will also display the beneficial and adverse effects for the geographic area relevant to the evaluation of the regional development account in relation to the other parts of the Nation. The number of economic accounting areas to be used will vary, dependent on the information available and the extent of the effects of the plan. It is not proposed that the effects of a plan be identified across all of the individual economic accounting areas. The evaluation will, however, as a minimum, analyze the effects of a plan upon the geographic area relevant to the evaluation of the regional development account and the rest of the Nation. If a plan results in substantial effects upon other regions of the Nation, the regions should be identified and the effects evaluated.

The incidence of national economic development adverse and beneficial effects across the system of regional accounts must sum to the total national economic development adverse and beneficial effects evaluated for the plan. The incidence of locational effects, both beneficial and adverse, across the system of regional accounts must sum to zero for beneficial effects and must sum to zero for adverse effects. In cases when an effect category includes both national economic development effects and locational effects, the sum of the effects for that category across the system of regional accounts will equal the total national economic development effects included in the category.

The use of the standard set of economic accounting areas will not, however, rule out the use of other regions such as hydrologic regions or States whose delineations are important in measuring beneficial or adverse effects on specified components of the regional development account. However, in such cases, the evaluation should also include an analysis of the effects of a plan utilizing the standard set of economic accounting areas.

Table 4 shows information for region 1, region 2, and the rest of the Nation to illustrate that the system of regional accounts is to show the major incidence of the plan and the relation to the rest of the Nation.

The second series of displays (table 6) will be used to provide a ready comparison of alternative plans. Each of the alternative plans will be paired with the recommended plan so that the advantages and disadvantages of each can be compared. Other comparisons between alternative plans may be displayed where relevant. The information needed for this second series of displays will be taken from the first

series. The information should be summarized and condensed to make it as brief and yet as meaningful as possible. Differences between the recommended plan and alternatives should be set forth in a consistent manner so that positive and negative differences in beneficial and adverse effects are readily discernible. Table 6 illustrates the nature and content of this series of displays.

These tables illustrate the system of accounts. In some cases more or less detail may be needed. Appropriate summary tables should be used.

TABLE 1-Schematic Diagram of System of Accounts

Account	Beneficial and adverse effects
National economic development.	(See table 2 for example display of effects by component.)
Environmental quality.	(See table 3 for example display of effects by component.)
Regional development Region 1. Region 2. Rest of Nation.	(See table 4 for example display of effects by component.)
Social well-being	(See table 5 for example display of effects by component.)

TABLE 2-Beneficial and Adverse Effects for a Plan (Use Additional Tables for Each Alternative Plan)

National Economic Development

Components	Measures of effects
Beneficial effects:	
A. The value of increased outputs of goods and services. Examples include:	
(1) Flood control	$1,000,000
(2) Power	1,000,000
(3) Water supply	1,000,000
(4) Irrigation	1,000,000
(5) Recreation	1,000,000

(6) Use of labor resources otherwise unemployed or underemployed in construction or installation of the plan---------- 1,000,000

B. The value of output resulting from external economies. Examples include:

(1) Economies of scale in subsequent processing ----1,000,000
(2) Reduced transportation costs as result of road relocation---------- 1,000,000

Total beneficial effects--- 3,000,000

Adverse effects:

A. The value of resources required for a plan. Examples include:

(1) Project construction and OM&R---------- 3,000,000
(2) Project pumping power--- 1,000,000
(3) Labor resources displaced and subsequently unemployed---------- 500,000

B. Losses in output resulting from external diseconomies. Examples include:

(1) Diseconomies of scale in subsequent processing for displaced activities---------- 500,000
(2) Increased transportation costs as result of road relocation---------- 1,000,000

Total adverse effects---- 6,000,000

Net beneficial effects---------- 2,000,000

TABLE 3.--Beneficial and Adverse Effects for a Plan
(Use Additional Tables for Each Alternative Plan)

Environmental Quality

Components	Measures of effects
Beneficial and adverse effects:	
A. Open and green space, wild and scenic rivers, lakes beaches, shores, mountains and wilderness areas, estuaries, and other areas of natural beauty.	Example include: 1. Create lake with 3,500 surface acres, 70 miles of shoreline, and depth of 80 feet, with high quality water and excellent access. 2. Create 600 acres of open and green space along creek, 1,000 to 1,5000 feet wide, with good access and located 4 miles from city. 3. Inundate 3,500 acres of open and green space, 10 miles long and 1/2-mile wide, located along stream and near city.
B. Archeological, historical, biological, and geological resources and selected ecological systems.	Example include: 1. Preserve recognized historical archeological feature and enhance access to feature. 2. Enhance wildlife habitat by acquisition of 500 acres mixed forest, pastureland; construction of three small ponds with 50 surface acres expected to maintain duck and pheasant population of 5,000 and 10,000 birds, respectively. 3. Disrupt 3,000 acres of wildlife habitat due to interior access roads and adjacent picnicking and camping sites, with

	possible decrease in deer, pheasant, and duck population.
C. The quality of water, land , and air resources.	Example include: 1. Meet State water quality standards over 200 miles of stream below reservoir. 2. Enhance esthetic appeal of land adjacent to reservoir by selected clearing and enhance visual enjoyment by unique design and location of access roads. 3. Prevent erosion by provision of 500 acres of grassed waterways and implementation of crop rotation practices on 5,000 acres of land. 4. Increase salt concentration over 50 miles of stream from X p.p.m. to Y p.p.m. due to salt load in return flows. 5. Increase erosion over 2,000 acres due to access road borrow pits and denuded recreation sites as a result of expected concentrated use; silt load downstream of reservoir estimated to increase X tons per year.
D. Ireversible commitments of resources to future uses.	Example include: 1. Preserve low cost reservoir site by recommending development of well field for municipal water supply at slightly greater cost to the national economic development objective.

	2. Reservior is to be located at site with some unique species of plants and wilderness qualities due to limited access but which is a very efficient reservoir site.

TABLE 4.--BENEFICIAL AND ADVERSE EFFECTS FOR A PLAN
(USE ADDITIONAL TABLES FOR EACH ALTERNATIVE PLAN)
REGIONAL DEVELOPMENT

Components	Measurement of Effects											Rest of Nation	Summary
	Region 1 (Planning Area)					Region 2 (Adjacent Area)							
	Total	Direct Users			Other	Total	Direct Users			Other			
		Farm	City	Rec.			Farm	City	Rec.				
Income:													
A. Beneficial effects:													
a. The value of increased outputs of goods and services from a plan to the users residing in the region under consideration. Examples include:													
Flood control	$400,000	$100,000	$300,000	$ 0	$ 0	$300,000	$ 0	$300,000	$ 0	$ 0		$300,000	$1,000,000
Power	500,000	100,000	400,000	0	0	500,000	100,000	400,000	0	0		0	1,000,000
Water supply	1,000,000	0	1,000,000	0	0	0	0	0	0	0		0	1,000,000
Irrigation	500,000	500,000	0	0	0	500,000	500,000	0	0	0		0	1,000,000
Recreation	400,000	0	0	400,000	0	300,000	0	0	300,000	0		300,000	1,000,000
b. The value of output in the region under consideration resulting from the use in construction or installation of the plan of labor resources otherwise unemployed or underemployed. Examples include:													
Employment for project construction	1,000,000	0	0	0	1,000,000	0	0	0	0	0		0	1,000,000
c. Additional net income accruing to the region under consideration from the construction or implementation of a plan and from other economic activities induced by operations of a plan. Examples include:													
Expenditures by imported construction workers and subsequent net regional income impacts	+1,000,000	0	0	0	1,000,000	0	0	0	0	0	-1,000,000		0
Expenditures by imported recreationists and subsequent net regional income impacts	+500,000	0	0	0	500,000	+500,000	0	0	0	500,000	-1,000,000		0
d. The value of output to the region under consideration resulting from external economies. Examples include:													
Economies of scale in subsequent processing	500,000	0	0	0	500,000	500,000	0	0	0	500,000		0	1,000,000
Reduced transportation costs as result of road relocation	1,000,000	0	0	0	1,000,000	0	0	0	0	0		0	1,000,000
Total beneficial effects	$4,400,000	$700,000	$1,700,000	$400,000	$4,000,000	$2,600,000	$600,000	$700,000	$300,000	$1,000,000	-$1,400,000		$8,000,000

116

Table 4.-- Beneficial and Adverse Effects for a Plan -- Continued

Components	Measurement of Effects												Rest of Nation	Summary
	Region 1 (Planning Area)						Region 2 (Adjacent Area)							
	Total	Direct Users			Other	State, Local Gov't.	Total	Direct Users			Other	State, Local Gov't.		
		Farm	City	Rec.				Farm	City	Rec.				
B. Adverse effects:														
a. The value of resources contributed from within the region under consideration to achieve the outputs of a plan. Examples include:														
Lands, easements, rights-of-way	$ 500,000	$ 0	$ 0	$ 0	$ 0	$ 500,000	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 500,000
General taxes	250,000	0	0	0	0	250,000	250,000	0	0	0	0	250,000	1,000,000	1,500,000
b. Payment through taxes, assessments, or reimbursement by the region under consideration for resources contributed to the plan from outside the region. Examples include:														
Power reimbursement	250,000	250,000	0	0	0	0	250,000	250,000	0	0	0	0	0	500,000
Water supply reimbursement	500,000	0	500,000	0	0	0	0	0	0	0	0	0	0	500,000
Irrigation repayment	250,000	250,000	0	0	0	0	250,000	250,000	0	0	0	0	0	500,000
Ad valorem taxes	500,000	0	0	0	0	500,000	0	0	0	0	0	0	0	500,000
c. Loss of assistance payments from sources outside the region to otherwise unemployed or underemployed resources and displaced resources residing in the region under consideration. Examples include:														
Loss of State unemployment compensation:														
(a) Employment for project construction by OMAR	+500,000	0	500,000	0	0	0	0	0	0	0	0	0	-500,000	0
(b) Employment in activities induced by and stemming from project operation	+250,000	0	250,000	0	0	0	+250,000	0	250,000	0	0	0	-500,000	0
(c) Induced unemployment in displaced activities	-250,000	-100,000	-150,000	0	0	0	-250,000	-100,000	-150,000	0	0	0	+500,000	0

117

- Continued

Table 4.-- Beneficial and Adverse Effects for a Plan -- Continued

Components	Measurement of Effects													
	Region 1 (Planning Area)						Region 2 (Adjacent Area)						Rest of Nation	Summary
		Direct Users						Direct Users						
	Total	Farm	City	Rec.	Other	State Local Gov't.	Total	Farm	City	Rec.	Other	State Local Gov't.		
3. Losses in output in the region under consideration resulting from labor resources displaced and subsequently unemployed. An example is: Induced unemployment in displaced activities ----------	200,000	100,000	200,000	0	0	0	200,000	100,000	100,000	0	0	0	0	200,000
4. Loss of net income in the region under consideration from other economic activities displaced by construction or operation of a plan. An example is: Loss of net income in displaced activities induced by and stemming from agricultural operations inundated by project ----------	+500,000	250,000	250,000	0	0	0	+500,000	250,000	250,000	0	0	0	-1,000,000	0
b. Losses in output resulting from external diseconomies to users residing in the region under consideration. Examples include: Diseconomies of scale in subsequent processing for displaced activities--	0	0	0	0	0	0	500,000	0	0	0	500,000	0	0	500,000
Increased transportation costs as a result of road relocations ---------	0	0	0	0	0	0	1,000,000	0	0	0	1,000,000	0	0	1,000,000
Total adverse effects ---------	3,550,000	750,000	1,550,000	0	0	1,250,000	2,950,000	750,000	450,000	0	1,500,000	250,000	-500,000	6,000,000
Net beneficial effects--	$3,250,000	$ -50,000	$ 150,000	$ 400,000	$4,000,000	$1,250,000	$-350,000	$-150,000	$ 250,000	$ 300,000	$-500,000	$-250,000	$-900,000	$2,000,000

NOTE: Similarly, the incidence of beneficial and adverse effects for other components of the Regional Development account would be shown for appropriate groups or classes.

118

Table 4.--Beneficial and Adverse Effects for a Plan -- Continued

Components	Measures of effects		
	Region 1 (Project area)	Region 2 (Adjacent area)	Rest of Nation
B. Employment:			
Beneficial effects:			
Increase in the number and types of jobs resulting from a plan in the region under consideration. Examples include:			
Employment for project construction----------	200 semiskilled jobs for 4 years	100 semiskilled jobs for 4 years	-200 semiskilled jobs for 4 years
Employment for project OM&R-	50 permanent semi-skilled jobs	5 permanent semi-skilled jobs	-5 permanent semi-skilled jobs
Employment in service and trade activities induced by and stemming from project operation	900 permanent semi-skilled jobs	95 permanent semi-skilled jobs	-45 permanent semi-skilled jobs
Total beneficial effects-----	200 semiskilled jobs for 4 years 950 permanent semi-skilled jobs	100 semiskilled jobs for 4 years 100 permanent semi-skilled jobs	-200 semiskilled jobs for 4 years -50 permanent semi-skilled jobs

119

- Continued

Table 4.--Beneficial and Adverse Effects for a Plan -- Continued

Components	Measure of effects		
	Region 1 (Project area)	Region 2 (Adjacent area)	Rest of Nation
Adverse effects: Decrease in the number and types of jobs resulting from a plan in the region under consideration. An example is:			
Employment in displaced activities induced by and stemming from agricultural operations inundated by project.	50 permanent semiskilled jobs	----------	-50 permanent semiskilled jobs
Net beneficial effects----------	200 semiskilled jobs for 4 years 900 permanent semiskilled jobs	100 semiskilled jobs for 4 years 100 permanent semiskilled jobs	-200 semiskilled jobs for 4 years

120

- Continued

Table 4.--Beneficial and Adverse Effects for a Plan -- Continued

Components	Measure of effects		
	Region 1 (Project area)	Region 2 (Adjacent area)	Rest of Nation
C. Population distribution Beneficial and adverse effects: Population distribution within the region under consideration and among regions in the Nation. Examples include:			
	1. Create 1,000 permanent jobs supporting a population of 3,500 people in a region which historically has had a high rate of out migration.	----------	-500 permanent jobs and population of 1,750 people
	2----------	Induced traffic as result of reduced transportation costs estimated to increase production of steel by x tons, involving y employment and z population in city which is highly industrialized presently	-y permanent jobs and z population

121

- Continued

Table 4.--Beneficial and Adverse Effects for a Plan -- Continued

Components	Measure of effects		
	Region 1 (Project area)	Region 2 (Adjacent area)	Rest of Nation
D. Regional economic base and stability:			
Beneficial and adverse effects:			
Economic base and economic stability of the region under consideration. Examples include:	1. Create 500 permanent jobs in a new industry offering high income stable year-around employment resulting in diversification of employment base	Create 100 permanent jobs in a new industry offering high income stable year-around employment resulting in diversification of employment base	-100 permanent jobs
	2. Create 100 permanent jobs in concentrated industry with seasonal employment	-75 permanent jobs	-25 permanent jobs

122

- Continued

Table 4.--Beneficial and Adverse Effects for a Plan -- Continued

Components	Measure of effects		
	Region 1 (Project area)	Region 2 (Adjacent area)	Rest of Nation
E. Environmental conditions of special regional concern:			
Beneficial and adverse effects:			
The quality of water resources. Examples include:	1. Meet State water quality standards over 50 miles of stream below reservoir	Meet State water quality standards over 100 miles of stream beginning 50 miles below reservoir	Meet State water quality standards over 50 miles of stream beginning 150 miles below reservoir
	2----------	Increase in salt concentration over 25 miles of stream from point x to point y due to salt load in return flow	Increase in salt concentration over 25 miles of stream from point y to point z due to salt load in return flow

123

FEDERAL REGISTER, VOL. 38, NO. 174—MONDAY, SEPTEMBER 10, 1973

Table 5.--Beneficial and Adverse Effects for a Plan
(Use Additional Tables for Each Alternative Plan)

Social Well-being

Components	Measures of effects
Beneficial and adverse effects:	
A. Real income distribution. Examples include:------	1. Create 1,000 low to medium income permanent jobs for unskilled and semiskilled workers.
	2. Plan has distribution of benefits by income class over first 20 years of operation as follows:

Income class (Dollars)	Percentage of adjusted gross income in class	Percentage benefits in class
Less than 3,000-	11	22
3,000-10,000---	62	64
More than 10,000	27	14

	3. Reimbursement, taxes, and lands, easements, and rights-of-way contributed by region 1 total $2.25 million. These contributions have a distribution by income class as follows:

Income class (Dollars)	Percentage of adjusted gross income in class	Percentage contributions in class
Less than 3,000-	11	25
3,000-10,000---	62	60
More than 10,000	27	15

B. Life, health and safety. Examples include:------	1. Provision of 100-year flood protection to city.
	2. Production of x tons of fresh vegetables during winter months.
	3. Create 10 small pools with drawdown of reservoir with attendant increase in mosquito population.

- Continued

Table 5.--Beneficial and Adverse Effects for a Plan -- Continued

Components	Measures of effects
C. Educational, cultural, and recreational opportunities: Beneficial and adverse effects: Examples include----------	1. Create diversity of recreational opportunity by provision of (a) 10,000 man-days boating; (b) 5,000 man-days fishing; and (c) 20,000 man-days picnicking. Reduce excessive use of recreation facilities on peak days and thereby improving aesthetic quality of recreation experience at existing facilities.
	2. Influx of 500 construction workers will place severe burden on educational facilities over 4-year construction period.
D. Emergency preparedness. Examples include:-------	1. Provide 100 mw, hydroelectric power centrally located in region not dependent upon importation and movement of fuel.
	2. Proposed plan for preservation of scenic river will require using optimum sustained yield of groundwater resources to serve anticipated population over next 20 years.

Table 6.--Summary Comparison of Two Alternative Plans
(Use Additional Table for Each Relevant Comparison)

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
National Economic Development:			
Beneficial effects----------	$5,000,000	$8,000,000	+$3,000,000
Adverse effects----------	5,000,000	6,000,000	+ 1,000,000
Net beneficial effects-------	0	2,000,000	+ 2,000,000
Environmental Quality: (Use same component stubs for beneficial and adverse effects as illustrated in table 3. Examples follow.)			
Beneficial and adverse effects:			
A. Open and green space, lakes	A. Create lake with 3,000 surface acres, 60 miles of shoreline and depth of 70 feet with high quality water and excellent access.	A. Create lake with 3,500 surface acres, 70 miles of shoreline and depth of 80 feet with high quality water and excellent access.	A. Create larger lake by 500 surface acres, 10 miles of shoreline and 10 feet of depth. Either plan would have high quality water and excellent access.

126

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
Beneficial and adverse effects: (Con'd.)			
A. Open and green space, lakes - Continued		Inundate 3,500 acres of open and green space, 10 miles long and 1/2 mile wide, located along stream and near city.	Inundate 3,500 acres of open and green space, 10 miles long and 1/2 mile wide, located along stream and near city.
B. Archeological resources:	B. Inundate recognized historical archeological feature.	----------	B. Do not inundate recognized historical archeological feature.

127

- Continued

FEDERAL REGISTER, VOL. 38, NO. 174—MONDAY, SEPTEMBER 10, 1973

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
Regional Development:			
Region 1 - Components			
A. Income:			
Beneficial effects-------	$5,000,000	$6,800,000	+$1,800,000
Adverse effects--------	3,000,000	3,550,000	+550,000
Net beneficial effects----	2,000,000	3,250,000	+1,250,000
B. Employment:			
Beneficial effects:			
Project construction employment---------	1. 300 semiskilled jobs for 3 years.	1. 200 semiskilled jobs for 4 years.	1. -100 semiskilled jobs per year for 3 years, but +200 semiskilled jobs for 1 year.
Project O&M employment----------	2. 40 permanent semiskilled jobs.	2. 50 permanent semiskilled jobs.	2. + 10 permanent semiskilled jobs.
Employment in service and trade activities induced by and stemming from project operation---	3. 850 permanent semiskilled jobs.	3. 900 permanent semiskilled jobs.	3. +50 permanent semiskilled jobs.

128

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
B. Employment - (Con'd.)			
Adverse effects:			
Employment in activities induced by and stemming from displaced agricultural operations----------	1. 15 permanent semiskilled jobs.	1. 50 permanent semiskilled jobs.	1. +35 permanent semiskilled jobs.
Net beneficial effects---	1. 300 semiskilled jobs for 3 years.	1. 200 semiskilled jobs for 4 years.	1. -100 semiskilled jobs per year for 3 years, but +200 semiskilled jobs for 1 year.
	2. 875 permanent semiskilled jobs.	2. 900 permanent semiskilled jobs.	2. +25 permanent semiskilled jobs.

129

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
C. Population distribution:			
D. Regional economic base and stability: Beneficial and adverse effects by component evaluated in Table 4 would be compared for the alternative plans and differences between plans noted.			
E. Environmental conditions of special regional concern:			
Region 2 - Components			
A. Income:			
Beneficial effects-------	$2,500,000	$2,600,000	+$ 100,000
Adverse effects--------	2,600,000	2,950,000	+ 350,000
Net beneficial effects----	- 100,000	- 350,000	- 250,000

130

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended Plan	Difference (recommended plan minus Plan B)
B. Employment: Beneficial effects: Project construction employment-------	1. 100 semiskilled jobs for 3 years.	1. 100 semiskilled jobs for 4 years.	1. Same number of semiskilled jobs per year for 3 years, but + 100 semiskilled jobs for 1 year.
Project O&M employment----------	2----------	2. 5 permanent semiskilled jobs.	2. + 5 permanent semiskilled jobs.
Employment in service and trade activities induced by and stemming project operation.----------	3. 80 permanent semiskilled jobs.	3. 95 permanent semiskilled jobs.	3. + 15 permanent semiskilled jobs.

131

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
B. Employment - (Con'd.)			
Adverse effects:			
Employment in activities induced by and stemming from displaced agricultural operations----------	1. 5 permanent semiskilled jobs.	----------	1. -5 permanent semiskilled jobs.
Net beneficial effects---	1. 100 semiskilled jobs for 3 years.	1. 100 semiskilled jobs for 4 years.	1. Same number of semiskilled jobs per year, for 3 years, but + 100 semiskilled jobs per year for 1 year.
	2. 75 permanent semiskilled jobs.	2. 100 permanent semiskilled jobs.	2. 25 permanent semiskilled jobs.

132

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
C. Population distribution:			
D. Regional economic base and stability: Beneficial and adverse effects by component evaluated in Table 4 would be compared for the alternative plans and differences between plans noted.			
E. Environmental conditions of special regional concern:			

133

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
Rest of Nation - Components			
A. Income:			
Beneficial effects	- $ 500,000	- $1,400,000	- $ 900,000
Adverse effects	700,000	- 500,000	- 1,200,000
Net beneficial effects	- 1,200,000	- 900,000	+ 300,000
B. Employment:			
Beneficial effects:			
Project construction employment	1. - 300 semiskilled jobs for 3 years.	1. - 200 semiskilled jobs for 4 years.	1. + 100 semiskilled jobs for 3 years, but - 200 semiskilled jobs for 1 year.
Project O&M employment	2----------	2. -5 permanent semiskilled jobs.	2. - 5 permanent semiskilled jobs.

134

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
B. Employment - (Con'd.)			
Beneficial effects - (Con'd.)			
Employment in service and trade activities induced by and stemming from project operation	3. - 25 permanent semiskilled jobs.	3. - 45 permanent semiskilled jobs.	3. - 20 permanent semiskilled jobs.
Adverse effects:			
Employment in activities induced by and stemming from displaced agricultural operations	1. - 15 permanent semiskilled jobs.	1. - 50 permanent semiskilled jobs.	1. -35 permanent semiskilled jobs.
Net beneficial effects	1. - 300 semiskilled jobs for 3 years.	1. - 200 semiskilled jobs for 4 years.	1. + 100 semiskilled jobs for 3 years, but - 200 semiskilled jobs for 1 year.
	2. - 10 permanent semiskilled jobs.	1. 0 permanent semiskilled jobs.	2. + 10 permanent semiskilled jobs.

135

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
C. Population distribution:			
D. Regional economic base and stability: Beneficial and adverse effects by component evaluated in Table 4 would be compared for the alternative plans and differences between plans noted.			
E. Environmental conditions of special regional concern:			

136

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
Social Well-being Components (Use same component stubs for beneficial and adverse effects as illustrated in Table 5. Examples follow.)			
Beneficial and Adverse effects:			
A. Real income distribution----------	A. Plan is neutral in distribution of benefits by income class over first 20 years' operation with percentage distribution of benefits by income class the same as percentage distribution of adjusted gross income in class.	A. Plan has distribution of benefits by income class over first 20 years of operation as follows: (Con'd. on next page)	A. Increase distribution of real income to low income persons.

137

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
A. Real income distribution (Con'd.)		Following table is reflected under "Recommended plan"	

Income class (Dollars)	Percentage of adjusted gross income in class	Percentage benefits in class
Less than 3,000---	11	22
3,000-10,000-----	62	64
More than 10,000--	27	14

138

B. Life, health, and safety	B. Provide 100-year flood protection to city.	B. Provide 50-year flood protection to city.	B. Do not provide 100-year flood protection to city; provide 50-year flood protection to city.

- Continued

Table 6.--Summary Comparison of Two Alternative Plans -- Continued

Account	Plan B	Recommended plan	Difference (recommended plan minus Plan B)
C. Educational, cultural and recreational opportunities:	C. Create diversity of recreational opportunity by provision of (a) 7,500 man-days boating, (b) 4,000 man-days fishing, and (c) 20,000 man-days picnicking.	C. Create diversity of recreational opportunity by provision of (a) 10,000 man-days boating, (b) 5,000 man-days fishing, and (c) 20,000 man-days picnicking.	C. + 2,500 man-days boating and + 1,000 man-days fishing.
D. Emergency preparedness:	D. Plan would require using optimum sustained yield of ground water resources to serve anticipated population over next 30 years with potential for overloading capacities of water resource systems.	D. Provide x kilowatts hydroelectric power generating capacity centrally located in region requiring importation of coal for conventional thermal plants.	D. Do not require use of optimum sustained yield of ground water resources; provide x kilowatts hydroelectric power generating capacity.

139

FEDERAL REGISTER, VOL. 38, NO. 174—MONDAY, SEPTEMBER 10, 1973

VII. COST ALLOCATION, REIMBURSEMENT, AND COST SHARING

On the basis of the identification provided for in the system of accounts for beneficial and adverse effects, an allocation of appropriate costs shall be made when an allocation of costs is required for purposes of establishing reimbursement levels, pricing policies, or cost sharing between the Federal Government and non-Federal public and private interests. All components of the national economic development and the environmental quality objectives shall be generally treated comparably in cost allocation and are entitled to their fair share of the advantages resulting from a plan.

Reimbursement and cost-sharing policies shall be directed generally to the end that identifiable beneficiaries bear an equitable share of costs commensurate with beneficial effects received in full cognizance of the objectives. Since existing cost-sharing policies are not entirely consistent with the two objective approach to planning water and land resources, these policies will be reviewed and needed changes will be recommended.

A. Cost Allocation

1. Introduction. The existence of joint contributions toward objectives and their components requires that an allocation of appropriate costs of a plan be made for purposes of establishing reimbursement levels, pricing policies, or cost sharing between the Federal Government and non-Federal interests. Thus, when legislative or administrative policies regarding reimbursement, pricing levels, or cost sharing apply to a proposed plan an allocation of appropriate costs shall be made. If such policies do not apply, no allocation of costs is necessary unless required for other administrative reasons.

For purposes of cost allocation, only the costs included in the national economic development account will be allocated between objectives and their components. Appropriate costs comprising the allocation of national economic development costs to the objectives and their components will be identified for purposes of applying specific reimbursement and cost-sharing policies.

Objectives and their components will generally be treated comparably in the cost allocation with respect to the identification of alternatives, the evaluation of alternatives, and the determination of incremental and/or separable costs. However, the national economic development objective serves as the baseline for cost allocation since only national economic development costs are allocated.

2. Summary of the cost allocation method. The cost allocation method described herein is a modification and extension of the separable costs-remaining benefits method of cost allocation which has been used to allocate costs of a multi-purpose project to purposes served by the project.

In the two objective setting, cost allocation becomes a two-stage process involving the allocation of costs between objectives and then the further allocation of costs among components of objectives. The system of accounts showing beneficial and adverse effects for alternative plans will usually provide much of the information needed in this process. This is particularly true for incremental and separable costs which may be determined by comparing the appropriate alternatives including the alternative of no plan.

Under the first stage, the method provides for the allocation of national economic development costs between the objectives. For cases when features of a plan are included to serve the environmental quality objective and at the same time contribute incidentally to the national economic development objective, the method provides that the net incremental costs of such features be allocated to the environmental quality objective. Case 1, attached, is an example relating to this circumstance.

For cases when features of a plan are designated to serve the environmental quality objective at the loss of net beneficial effects on the components of the national economic development objective served by the plan, and for cases when the entire plan is designated to serve the environmental quality objective at the loss of net beneficial effects on national economic development, the method provides that costs equivalent to the net national economic development beneficial effects foregone be allocated to the environmental quality objective. Case 2, attached, is an example relating to the first circumstance. In the second circumstance, if the plan is unjustified in terms of the national economic development objective, and no alternative formulation can be developed that is justified in terms of this objective but the plan is recommended in view of net contributions to the environmental quality objective, then the estimation of net national economic development beneficial effects foregone should be based on the assumption that marginal benefits of alternative uses of resources required for the recommended plan are equal to the costs of those resources.

Under the second stage the method provides for the further allocation of national economic development costs allocated to the two objectives in stage 1 among the components of the objectives. In the case of the environmental quality objective, this would be done by allocating to each

component of that objective a share of the national economic development cost based on the costs, comparably evaluated, of the alternative means most likely to be undertaken in the absence of the plan of obtaining the beneficial effects attributable to each component. In the case of the national economic development objective, costs would be allocated among the components of the objective using the separable costs-remaining benefits method of cost allocation essentially as applied in the past.

3. The cost allocation method

a. Cost allocation among objectives. When features of a plan are included to serve the environmental quality objective or its components which are not economically justified, the environmental quality objective shall be allocated.

Not less than the incremental national economic development costs net of any incidental incremental national economic development beneficial effects of achieving the beneficial effects attributable to the environmental quality objective determined by identifying on a last added basis, the national economic development costs and beneficial effects of increments of scale of a plan intended primarily to serve such objectives.

When features of a plan are designated to serve the environmental quality objective or its components at the loss of net beneficial effects on the components of the national economic development objective served by the plan, or when the entire plan is designated to serve the environmental quality objective or its components at the loss of net beneficial effects on national economic development, costs equivalent to the net national economic development beneficial effects foregone shall be allocated to the environmental quality objective.

Following is an example table illustrating how the national economic development costs allocated to the two objectives may be displayed for the major alternative plans.

Table 1.--A Display of National Economic Development Costs Allocated to the Two Objectives for the Major Alternative Plans

	NED	EQ	Total Allocated
Plan A:			
Plan element:			
1----------			
2----------			
3----------			
N----------			
Plan B:			
Plan element:			
1----------			
2----------			
3----------			
N----------			
Plan C:			
Plan element:			
1----------			
2----------			
3----------			
N----------			

b. Cost allocation among components

(1) Of the national economic development objective. National economic development costs allocated to the national economic development objective under the procedures discussed above for stage 1 shall be further allocated among components of that objective in the following manner:

Each component of the national economic development objective served by a plan shall be allocated -

Not less than the separable national economic development costs of achieving the beneficial effects, attributable to each component determined under the assumption that each component is in turn omitted last from the plan, adjusted downward by an amount equivalent to the national economic development costs allocated to the environmental quality objective in the first stage of the cost allocation method in cases when a desired contribution to such objective stems directly from the provision of service to a national economic development component.

Nor more than the lesser of the beneficial effects or the costs, comparably evaluated, of the alternative means most likely to be undertaken in the absence of the plan of obtaining the beneficial effects attributable to each component.

Remaining joint national economic development costs (the total national economic development costs allocated to the national economic development objective in stage 1 less the sum of the separable national economic development costs determined for each component of that objective) shall be allocated among all components in proportion to the lesser of beneficial effects or alternative costs less any separable costs previously allocated to each component of the national economic development objective.

In the allocation of costs among components of the national economic development objective, it would be appropriate in most instances with respect to the two components for external economies and unemployed or underemployed resources, to assume that alternative national economic development costs would be equal to such benefits evaluated for these components and that separable national economic development costs for these two components would be zero.

(2) Of the environmental quality objective. When required for establishing reimbursement levels, pricing policies, or cost sharing, the costs allocated to the environmental quality objective in stage 1 will be further allocated among components of such objective in proportion to the costs, comparably evaluated, of the alternative means most likely to be undertaken in the absence of the plan of obtaining the beneficial effects attributable to each component.

Following is an example table illustrating how the national economic development costs allocated to the components of the objectives may be displayed for the major alternative plans.

Table 2.--A Display of National Economic Development Costs Allocated to the two Objectives and Their Components for the Major Alternative Plans

	Allocated to	
	NED	EQ
Plan A:		
Plan element 1----------	Water supply Flood control Recreation External economies Unemployed labor resources Et cetera	Water quality Open and green space Wild rivers Wetlands Archeological features Et cetera
	Total	Total
Plan element: 2---------- 3---------- N----------		
Plan B: Plan element: 1---------- 2---------- 3---------- N----------		
Plan C: Plan element: 1---------- 2---------- 3---------- N----------		

4. Definitions

a. Components. Components of the environmental quality objective comprise the specific beneficial contributions toward this objective in a particular planning setting. For purposes of cost allocation, components of the national economic development objective include the more traditional purposes such as power, water supply, flood control, recreation, irrigation, etc.; and two components which encompass the categories of beneficial effects for external economic and beneficial effects from the use of otherwise unemployed or underemployed labor resources.

b. Alternatives. The costs of selected alternative means of obtaining the contributions to component of an objective provide a limit on the costs to be allocated to an objective or component of an objective. The costs of selected alternative means of obtaining the contributions to one or more objectives or components are also determined to identify the incremental costs for the environmental quality objective or its components and the separable costs for the components of the national economic development objective.

A range of possible alternatives to meet needs and problems, including types of measures and alternatives capable of application by various levels of government and by nongovernmental interests, should be considered. The alternative means of obtaining the relevant contributions to the objectives to be selected for the above determinations should be those which would be physically displaced or economically precluded by the proposed plan and those which would likely be undertaken in the absence of the proposed plan.

The alternative means selected for the above determinations which would likely be physically displaced or economically precluded with implementation of the proposed plan, or increments thereto, will be evaluated on a comparable basis with the proposed plan with respect to their beneficial and adverse effects on the objectives, including the treatment of national economic development costs and the discount rate used in the evaluation.

Taxes foregone on Federal alternatives and taxes paid on non-Federal alternatives will be excluded from such evaluations for the national economic development objective.

c. Incremental costs. For purposes of cost allocation, incremental costs are defined as the national economic development costs of including features in a plan intended primarily to serve the environmental quality objective. Such incremental costs will be determined under the assumption that such objective is served in turn last. Gross incremental costs for the environmental quality objective are the total incremental costs of features included

in a plan primarily for that objective. Net incremental costs represent the gross incremental cost for the environmental quality objective less any incidental incremental national economic development beneficial effects that accrue as a result of including features in a plan for such objective.

d. Separable costs. Separable costs are defined as the difference between the national economic development costs of a plan and the national economic development costs of the plan with each component of the national economic development objective in turn omitted, adjusted downward by an amount equivalent to the national economic development costs allocated to the environmental quality objective in the first stage of the cost allocation method in cases when a desired contribution to such objective stems directly from the provisions of service to a national economic development component.

e. Remaining joint costs. Remaining joint costs are defined below as they apply to stage 2 of the cost allocation method described herein.

For allocation of costs among components of the national economic development objective, remaining joint costs are defined as the difference between the total national economic development costs allocated to the national economic development objective in the first stage of the cost allocation method and the sum of the separable costs determined for the components of the national economic development objective.

5. Application of the cost allocation method. The cost allocation method described herein shall be applied to all multiobjective reservoir projects or plans. In the case of other types of projects or plans where currently some variation of the separable costs-remaining benefits method of cost allocation is used, or another procedure to allocate project economic costs among project purposes is used, national economic development costs allocated to the national economic development objective under stage 1 of the method described herein, may continue to be allocated among components of the national economic development objective following those procedures.

6. Review of cost allocations. Cost allocations will be reviewed to the extent appropriate when new contributions are made to objectives or their contributions cease, or when there is a material change in the level of contributions made toward the objectives and their components served by a project or plan. A revised cost allocation or a modification of the existing allocation will be made if, as the result of such review, it appears that a significant inequity may result if the existing allocation is not revised or modified. Due consideration will be given, in the event of a revision or modification of an existing allocation, to the relative periods of time over which contributions are made to the various objectives and their components.

The standards followed for the existing allocation will generally be followed in the revised allocation.

In the case of minor modifications, such as the withdrawal of water for municipal water supply from existing storage space, costs may be assigned to the new component in proportion to some comparable measure of use such as storage capacity, or on the basis of the value of the contributions made. If contributions to the new component result in a reduction in the contributions made to an existing reimbursable component, the cost assigned to the new component should be no less than the loss in revenues for the existing component.

7. Case examples. Attached to this section are two case examples illustrating the use of the cost allocation method described herein.

B. Reimbursement and Cost Sharing

1. General. Current reimbursement and cost-sharing policies are being reviewed in their entirety. The basis for reimbursement and cost sharing now required, the need for adjustment of these policies, the need for new reimbursement and cost-sharing policies for the environmental quality objective and its components or entirely new approaches and appropriate repayment arrangements and interest rates for repayment are being reviewed. Until this comprehensive reyiew is completed and approved, all current reimbursement and cost-sharing policies are considered to be in full force and effect.

ILLUSTRATION OF COST ALLOCATION METHOD

Case 1.--Incremental scale included in plan intended primarily to serve environmental quality objective.

A. Project Data

	NED Plan A	Recommended Plan B
NED Objective:		
Beneficial effects:		
FC----------	$50	$50
Recreation----------	20	30
Power----------	30	40
Total----------	$100	$120
Adverse effects:		
Project construction and OM&R----------	50	90
Net beneficial effects----	50	30
EQ objective:		
Beneficial and adverse effects----------	1----------	1. Meet State water quality standards over 100-mile stream.
	2. 3,000 acres flat water.	2. 3,500 acres flat water.
	3. Inundate 10 miles free flowing stream.	3. Inundate 11 miles free flowing stream.

B. Allocation of NED Costs Between Objectives

1. Incremental NED costs and incidental incremental NED benefits associated with incremental scale included in Plan B intended to serve the environmental quality objective (reservoir capacity for downstream low flow augmentation):

	NED Plan A	Recommended Plan B	Difference
NED objective:			
Benefits	$100	$120	$20
Costs	50	90	40
Net benefits	50	30	-20

Thus:
Net incremental NED costs = $20

2. Allocation of NED costs of Plan B:

Total NED costs of Plan B	$90
Less net incremental NED costs of Plan B (allocated to EQ objective)	-20
Allocation of NED costs of Plan B to NED objective	$70

C. Allocation of NED Costs Among Components of the NED Objectives

1. Separable NED costs for NED components:

	Plan B	Plan B with FC omitted	Plan B with recreation omitted	Plan B with power omitted
Total NED costs	$90	$80	$85	$65

	Separable NED costs
Flood control	$10
Recreation	5
Power	25
Total	$40

2. Remaining joint NED costs of NED objective:

Total NED costs allocated to NED objective	$70
Less total separable NED costs for NED components	-40
Remaining joint NED costs of NED objective	$30

3. NED cost allocation table for Plan B for NED components:

	NED components			
	FC	Recreation	Power	Total
1. Benefits	$50	$30	$40	$120
2. Alternative NED costs	20	50	30	100
3. Benefits limited	20	30	30	80
4. Separable NED costs	10	5	25	40
5. Remaining benefits	10	25	5	40
Percent distribution	25	63	12	100
6. Remaining joint NED costs	7	19	4	30
7. Total allocated NED costs	17	24	29	70

Case 2.--Increment of scale in plan operated to serve environmental quality objective.

A. Project Data:

	Recommended plan with service to EQ objective deleted	Recommended Plan C
NED objective:		
Beneficial effects:		
FC----------	$50	$50
Recreation----------	30	20
Power----------	40	30
Total----------	$120	$100
Adverse effects:		
Project construction and OM&R----------	90	80
Net beneficial effects--------	30	20
EQ objective:		
Beneficial and adverse effects----------	1----------	1. Meets State water quality standards over 100 miles stream.
	2. 3,500 acres flat water.	2. 3,000 acres flat water.
	3. Inundate 11 miles free flowing stream.	3. Inundate 10 miles free flowing stream.

B. Allocation of NED Costs Between Objectives

1. Incremental NED costs and incidental incremental NED benefits associated with feature included in recommended plan operated to serve the environmental quality objective (reservoir capacity for downstream low flow augmentation):

	Recommended plan with service to EQ objective deleted	Recommended Plan C	Difference
NED objective:			
Benefits----------	$120	$100	-$20
Costs----------	90	80	-10
Net benefits----------	$ 30	$ 20	-$10

NOTE: In this case example it has been assumed that in the absence of providing service to the EQ objective the power and recreation components would be scaled within the plan to maximize net NED benefits. As shown above, additional incremental NED costs for specific power and recreation facilities to maximize these net benefits is assumed to be $10 under an alternative operating plan where no provision is made for low flow releases. Incremental NED benefits for power and recreation is assumed to be $20 under such an alternative operating arrangement.

A further implied assumption in this case example is that it is more efficient to forego power and recreation net benefits than it would be to add additional capacity in the reservoir to make low flow releases beyond that which maximizes power and recreation net NED benefits. This may frequently be the case, i.e., to increase reservoir capacity beyond that assumed for either alternative operating arrangements would be very costly due to, for example, major road, railroad, or bridge relocations.

In this situation where the recommended plan does not represent the inclusion of increments of scale for the EQ objective to a plan which has been scaled to maximize net NED benefits, but rather because of efficiency considerations involves a tradeoff between net NED benefits and contributions to the EQ objective, the concept of net incremental costs has to be viewed in terms of net NED benefits foregone.

Thus:
Net incremental NED costs = $10

2. Allocation of NED costs of Plan C:

Total NED costs of Plan C	$80
Less net incremental NED costs of Plan C (allocated to EQ objective)	-10
Allocation of NED costs of Plan C to NED objective	$70

C. Allocation of NED Costs Among Components of NED Objective

1. Separable NED costs for NED components:

	Plan C	Plan C with FC omitted	Plan C with recreation omitted	Plan C with power omitted
Total NED costs	$80	$70	$75	$60

	Separable NED costs
Flood control	$10
Recreation	5
Power	20
Total	$35

2. Remaining joint NED costs of NED objective:

Total NED costs allocated to NED objective	$70
Less total separable NED costs for NED components	-35
Remaining joint NED costs of NED objective	$35

3. NED cost allocation table for Plan C for NED components:

	NED components			
	FC	Recreation	Power	Total
1. Benefits	$50	$20	$30	$100
2. Alternative NED costs	30	40	25	95
3. Benefits limited	30	20	25	75
4. Separable NED costs	10	5	20	35
5. Remaining benefits	20	15	5	40
Percent distribution	50	38	12	100
6. Remaining joint NED costs	18	13	4	35
7. Total allocated NED costs	28	18	24	70

VIII. NATIONAL PROGRAM FOR FEDERAL AND FEDERALLY ASSISTED ACTIVITIES

A. Introduction

With an ideally developed system of planning in which national priorities and budget constraints were integrated with local and regional priorities, the approaches in the principles and standards would result in a national program of the appropriate emphasis and size. In the ideally developed system, there would be no necessity for a second round where national priorities and budget constraints are imposed on plans developed according to other priorities.

Since we are far from the ideal system of planning, an interim approach is described below.

Up to this point, these standards have been concerned with alternative plans for projects, States, regions, or river basins. The evaluation, systematic display, and comparison of alternative plans provide an indication of the priorities given the various objectives in selecting a recommended plan whether for projects, States, regions, or river basins. Such plans include both Federal and non-Federal activities and are of concern to all levels of government.

In formulating a national program of Federal and federally assisted activities for water and land resources, national priorities must be established among recommended project, State, region, or river basin plans. The system of accounts for beneficial and adverse effects for recommended plans, together with other criteria such as available budget resources, national policy toward environmental quality, or regional development or social well-being and public and private investment alternatives, will provide information needed for formuluting a national program.

The Council will develop and put into operation a national programing system to support decisions as to long-range priorities for water and land resource activities. While the elements of such a system already exist in the member departments, what is needed is a common system to bring the information together and to insure that future field planning studies are consonant with the national system.

It is essential that the planning process not only articulate the full range of choice available for meeting any given level of needs, but that it also provide information which would be a basis for determining the order in which needs are to be fulfilled. Criteria for such selections

should flow from the decisions made in regard to the priorities assigned to the objectives.

Clearly, a choice exists as to which of the objectives are to be emphasized. However, having assigned priorities to these respective objectives, these decisions must then be related to the instruments available for policy implementation-the most important being the annual budget within which national priorities are reflected for all Federal and federally assisted activities.

The appropriation of funds to implement a particular plan represents the termination of one planning cycle and the initiation of another. For this reason, priorities established in the planning process may be reinforced or altered by subsequent budgeting decisions. Different types of priority decisions are required in each level of planning. Priority decisions in formulating plans for projects are responsive to the kinds and quantities of project outputs expected. In formulating plans for regions or river basins, priorities are established among alternative courses of action. In formulating national programs, priorities may be assigned among the various river basin plans which are in competition for the same limited funds.

B. Priorities In Plan Formulation

Formulation of plans for projects can be viewed as the process of selecting specific measures for meeting identified problems and needs. Since combinations of individual measures generate different effects in a geographic area and since a multitude of such combinations is possible, formulation of plans for projects requires that priorities be established not only in regard to the objectives which are to be emphasized in each alternative formulation, but also in regard to which of the alternative formulations are to be recommended. Therefore, it should be clear that priorities are necessarily established, either explicitly or implicitly, during the process of formulating project plans.

A plan for a region or river basin is a sequence of actions or measures which upon implementation will result in meeting the problems and needs for water and land resource development. The project level of planning accords priorities and subsequently selects (assigns a priority to) that formulation which makes the most beneficial contribution to those objectives considered to be most important. However, it is not until regional or river basin level of planning is undertaken that the resulting projects are accorded a priority in terms of their time phasing or sequence of implementation.

The problems and needs for water and land resource development vary among the different regions of the Nation, a major reason for this variance being the economic, social, and environmental conditions uniquely associated with different geographic areas. It is for this reason that water and land resource plans are formulated for and apply to well-defined geographic areas, either river basins or other designated regions.

Recognizing the existence of budget constraints, a choice must be made as to whether or not each plan is to progress toward completion at the same rate or whether plans for some regions are to progress at accelerated rates. Whatever the choice, it represents a priority decision in formulating a national program.

Since plans are directed toward meeting problems and needs in designated geographic areas, choosing priorities among regional or river basin plans reflects in practical terms, the assignment of priorities to geographic areas. Therefore, in the budgetary sense, national program formulation is the allocation of a multiyear budget among geographic areas.

C. Establishing Priorities

The President and the Congress, through the authorization, budgetary, and appropriation process, are ultimately responsible for assigning priorities for implementation of Federal activities. At an earlier stage, however, the Water Resources Council has certain responsibilities with regard to priorities. These standards amplify upon those responsibilities by requiring member agencies to formulate long-range national and regional programs for water and land resource activities.

1. Project plans. To assure that adequate data are available for subsequent steps in the process of national programing for water and land resource activities, it is essential in the process of formulating plans for a project that sufficient information with respect to the contributions that alternative plans make to the objectives be clearly developed and reported.

2. Basin plans. With respect to basin or regional plans, it is necessary to establish priorities among the various activities in a plan and to present a clear statement of their most effective sequence of implementation. Many basin plans have contained early action programs which single out the projects for more immediate needs. However, the criteria for this choice generally are not related to national priorities for water and land resource activities.

Under existing procedures, priorities for Federal and federally assisted activities are usually established by agency recommendations to the President and by specification in the President's annual budget messages to the Congress. Public review of these priorities is generally limited to testimony before the various congressional subcommittees which are considering the budget requests for a particular agency.

Since the priorities set forth in the Federal budget are usually limited to actions to be undertaken within an ensuing fiscal year, State and local planning groups are forced to make highly uncertain projections in regard to the future activities of Federal water and land programs. These standards provide that river basin commissions and entities designated by the Water Resources Council to perform the functions of a river basin commission recommend long-range schedules of priorities for the collection and analysis of basic data and for the investigation, planning, and construction of projects. State members of river basin commissions have a responsibility to participate in establishing the long-range schedule of priorities. These standards require that each Federal agency that is a member of a river basin commission or entity performing the functions of a commission participate in the preparation of such a long-range schedule of priorities. Such a schedule is to reflect priorities to be accorded to previously authorized projects, as well as those recommended for authorization during each 5-year period in the schedule. The recommended schedule of priorities should accompany all requests for congressional authorization and funding. A copy of the schedule should also be forwarded to the Governors of the appropriate States for review and comment.

3. National programs. The single most perplexing problem in water and land resource programing is the integration of regional and river basin plans into a national program of Federal and federally assisted activities for the management and use of the Nation's water and land resources. In order that the Council may make a continuing study of the relation of regional or river basin plans to the requirements of larger regions of the Nation and to the Nation as a whole, these standards require that each member of the Council prepare a 5-year national program of water and land resource activities for submission through the Council to the President. The 5-year program is to include an identification of priority activities for collection and analysis of basic data and for the investigations, planning, and construction of projects which are to be initiated in each region during the period. The amount of program funds to be allocated to a particular region or basin is not to be based upon a rigid mathematical formula but, consistent with the level of funds prospectively available, upon an assessment of the relative needs for water resource activities in the respective regions. The national program

and its regional allocations is to be continually reviewed and modified periodically to reflect the changing needs for water resource activities.

IX. COORDINATION AND REVIEW OF PLANNING STUDIES

A. Introduction

The success of water and related land resources planning depends on meaningful participation of interests concerned with each objective at each step in the planning process. The leaders for water and related land resource planning have the challenging responsibility of achieving such participation while managing effective planning studies and facilitating decisionmaking. This responsibility will require an aggressive program to involve all concerned interests in identifying an area's problems and needs, in planning alternative solutions, and in decisions as to action.

Federal planning and participation in planning will be carried out on a coordinated basis from the earliest consideration of planning needs and priorities through initiation of an investigation or survey and the entire process of planning and review. When warranted, joint Federal agency-State planning for regions or river basins will be arranged by the Council. Full advantage is to be taken of existing field organizations and arrangements for coordination, such as river basin commissions, other regional agencies or commissions, Federal-State interagency committees, interstate bodies, and State and local agencies. When any Federal agency initiates an investigation, it shall follow the Water Resources Council's standards for appropriate coordination and consideration of problems of mutual concern with other Federal agencies and with interested regional, State, and local public agencies and private interests.

B. National Program of Planning Studies

The Water Resources Council will prepare and keep up to date a national program of water and related land resource planning studies. This program will include a long-range schedule of priorities for:

1. Framework studies and assessments (Level A);

2. Regional or river basins plans (Level B); and

3. Implementation studies (Level C).

1. Framework studies and assessments. In accordance with section 102 of the Water Resources Planning Act, the Council will maintain a continuous study of water requirements and the adequacy of water supplies to meet them. The Council will publish periodically an assessment of the Nation's water and land resources, and will publish as needed framework studies and assessments for the major regions of the country.

The reports on framework studies and assessments will be prepared by the regional entities designated by the Council. The Council shall review such reports as to the adequacy of water supplies to meet requirements in the region; the relation of the regional programs to the larger regions of the Nation; the adequacy of administrative and statutory means for coordination among Federal agencies; the adequacy of existing policy and programs to meet such requirements; and other regional and national problems in the conservation, development, and utilization of water and land resources as the Council may determine.

Framework studies and assessments will be included in the periodic national assessment reports and as appropriate may be transmitted separately by the Council to the Congress.

2. Regional or river basin plans. As part of its comprehensive planning responsibilities, each river basin commission is directed under the Water Resources Planning Act to recommend long-range schedules of priorities for the collection and analyses of basic data and for investigation, planning, and construction of projects. Where commissions have adopted such long-range schedules, the Council and Federal departments and agencies shall use the commissions' recommendations in establishing priorities for regional or river basin plans. Planning leaders shall be provided by or designated by river basin commissions in their respective areas.

Where a river basin commission has not been established under title II of the Water Resources Planning Act, the Council may designate some other regional entity to perform the function of a river basin commission in recommending priorities for plans. Planning leaders shall be provided by or designated by the Council in these areas.

For regional or river basin plans, the Council will have prepared and will submit budgets with suitable statements of justifications for consideration in establishing the President's budget. These statements will outline a brief plan of study, including arrangements for study coordination and management.

When a budget for a regional or river basin plan has been approved, the Council will prepare terms of reference for the plan, provide or designate the planning manager, and prepare the coordination arrangements, including designation of participating Federal agencies and States. The planning manager shall submit a detailed plan prepared in accordance with the Council's Handbook for Regional or River Basin Plans for review and approval of the Council. The planning manager will be responsible for the efficient management of the plan and for organizing the study so that all concerned interests may participate in the planning process. When the components of the objectives of the regional or river basin plan have been identified, as provided in section V, Plan Formulation, the planning manager will prepare a statement of the specified components of the objectives and the probable effects of the plan on such objectives. A copy of this statement will be sent to the Water Resources Council and to the Council on Environmental Quality as a preliminary report under section 102(2)(C) of the National Environmental Policy Act of 1960.

The planning manager will submit completed reports of regional or river basin planning studies to the Water Resources Council for review. Copies shall be furnished to the Council on Environmental Quality.

The procedure for processing of reports from river basin commissions is presented below. For reports of studies in other areas, the Council will prepare its review report which may include modifications of the plan and after clearance with the Office of Management and Budget will transmit its report and the plan to the Congress for appropriate action.

a. River basin commission plan reports. These reports will be submitted to the Water Resources Council for review in accordance with the Water Resources Planning Act. Copies will be furnished to the Council on Environmental Quality. The Water Resources Council will prepare a report of its review which may include revision of plans for Federal projects included in the commission's plan.

The Council will review each plan prepared by a river basin commission with special regard to:

1. The efficacy of such plan in achieving optimum use of the water and land resources in the area involved;

2. The effect of the plan on the achievement of other programs for the development of agricultural, urban, energy, industrial, recreational, fish and wildlife, and other resources of the Nation; and

3. The contributions which such plan will make in achieving the Nation's economic and social goals.

The Council will formulate such recommendations as it deems desirable in the national interest and transmit them, together with the plan or revision of the river basin commission plan, and the views, comments, and recommendations with respect to such plan or revision submitted by any Federal agency, Governor, interstate commission, or U.S. section of an international commission, to the President for his review and transmittal to the Congress with his recommendations in regard to authorization of Federal projects.

b. Coordinated State plans. Federal agencies administering programs of Federal assistance to States and other public bodies shall report to the Council on pending applications the information required to carry out the Council's responsibility for coordination of Federal assistance programs and other Federal programs under the Water Resources Planning Act.

In carrying out its coordination function, the Council will encourage State planning agencies to submit a program for planning water and land resources which shows how Federal assistance from various sources is to be used with resources from State and other public bodies to accomplish State objectives. The Council will coordinate such State program proposals with proposed Federal planning to avoid duplication and to facilitate effective use of planning resources.

When a State program for use of Federal assistance has been approved by the Council, Federal agencies will be guided by the State program in approving applications for grants and other Federal assistance.

Copies of reports resulting from federally assisted planning shall be distributed for information by the Federal agency responsible for the program to the Water Resources Council, to the appropriate river basin commission, and to designated offices in member agencies. The Council will include a distribution list in its Handbook for Coordination of Planning Studies and Reports. These reports will be used for information in preparing the national planning program.

c. Handbook for regional and river basin plans. The Council will issue and keep up to date a Handbook for Regional or River Basin Plans. This handbook will set forth procedures for preparing work plans, establishing study management, preparing budgets, and the application of principles and standards in regional or river basin plans.

3. Implementation studies

a. Council coordination. To facilitate the coordination of water and land resources planning studies among the agencies represented on the Water Resources Council, the Federal agencies, on or before July 1 of each year, will exchange, through the Council, lists of implementation studies which are under consideration as proposed new planning starts for the fall budget submissions. The lists will include information concerning the type of study, study name, purpose, location, estimated duration, and a preliminary estimate of total cost. Information will be included on the relation of the proposed implementation study to priorities established by the Council on the basis of recommendations by river basin commissions or other regional entities and to State planning programs. On the basis of this information and the information on applications for federally assisted programs, the Council will prepare its recommendations, for "administrative use only," as to a national program of implementation studies that should be considered for initiation in the succeeding fiscal year.

Each Federal agency will (on an "administrative use only" basis) keep the Council informed of action on implementation studies included in the Council's recommended national program during the budgetary and appropriation process. When the appropriations have been approved, each Federal agency will advise the Water Resources Council which implementation studies have been funded, the assignment of study management, and any special coordination arrangements.

b. Field coordination of implementation studies. River basin commissions established under the Water Resources Planning Act serve as the principal agency for the field level coordination of Federal, State, interstate, local, and non-governmental planning efforts for the development of water and land resources in their areas of responsibility. Procedures to accomplish this will be developed by the commissions consistent with the Water Resources Planning Act and applicable rules, regulations, and guidelines of the Water Resources Council.

Where a river basin commission has not been established under title II of the Water Resources Planning Act, other entities may be requested by the Water Resources Council to coordinate planning studies.

The following are the minimum procedures for field level coordination and shall apply in those regions where a river basin commission has not been established, and may be used or adapted for use by a commission in the area where one has been established:

(1) Initiation of implementation studies. When any implementation study has been funded, the field office responsible for its initiation will inform the corresponding field offices of the other Federal departments and agencies, river basin commissions, States, and concerned local agencies of this action. This written communication will request a statement, within a specified period of time, as to what interests they may have in the proposed study, what pertinent data they may have or know about that can be made available, and what preliminary comments and suggestions on these subjects they may care to make.

(2) Coordination during studies. When the components of the objectives for an implementation study have been identified, as provided in section V. Plan Formulation, the planning organization will prepare a public statement of the specified components of the objectives and probably effects of the plan on such components. A copy of this statement will be sent to the Water Resources Council and to the Council on Environmental Quality for a preliminary report under section 102(2)(C) of the National Environmental Policy Act.

As the plan which is to be incorporated in the report is being formulated, the head of the field office responsible for the report will periodically communicate and arrange for mutually desired conferences with the corresponding field offices of Federal departments or agencies, river basin commissions, States, and concerned local agencies which have indicated an interest. The purpose of these communications and conferences are to determine what pertinent data are in existence, to arrange schedules for obtaining assistance and for obtaining additional data without duplication, to interchange information, to discuss the proposed plan and report, and to identify areas where there may be complementary or competitive effects.

(3) Field review of reports. When the report by the responsible field office has been completed. It will be submitted prior to official transmission to higher authority to the other interested field offices of Federal departments and agencies, river basin commission, States, and concerned local agencies for review and comment. Reports will be revised as may be necessary to reflect mutually acceptable changes. Suggests on which agreement is not reach and which are not otherwise resolved will be recorded in the field office comments.

c. Review of Federal implementation study reports. The following types of final reports will be referred by the responsible agency head to the heads of other departments or agencies in Washington, D. C., and States for review and comment and to the Water Resources Council office for information; and the Council on Environmental Quality in

accordance with section 102(2)(C) of the National Environmental Policy Act:

1. Reports required to be submitted to other departments or agencies a and States in accordance with existing law;

2. Reports prior to project authorization in which other agencies have participated, have an interest, or on which the originating agency desires comments or views; and

3. Reports following project authorization when, in the opinion of the head of the responsible agency, the comments or views of other departments or agencies are necessary or desirable prior to initiation of construction activities.

The Water Resources Council will review and comment on reports of implementation studies in areas covered by regional or river basin plans. The Council will also review reports that contain innovations in planning procedures or cost-sharing arrangements, or which have unresolved evaluation or coordination problems. Federally assisted studies that are submitted for Congressional approval shall be reviewed in the same manner. The Council's comments shall be included when reports on implementation studies are transmitted to the Congress.

Copies of final reports or plans not subject to headquarters review in accordance with the foregoing shall be furnished for information purposes to (a) the heads of other concerned Federal departments or agencies, (b) the Governor of the State (s) in which the project is located, (c) the Water Resources Council, and (d) the Council on Environmental Quality.

Reports of plans requiring congressional approval for project authorization shall be forwarded to the Office of Management and Budget for clearance before transmittal to the Congress. Copies of the reports will be forwarded to the Office of Management and Budget by the responsible department or agency head, together with copies of comments received from the Water Resources Council, other concerned Federal departments or agencies, and States. The responsible agency shall also determine that all statutory requirements have been met and that there is no apparent conflict with other water and land resource projects or programs.

166

d. Handbook for Coordination of Implementation Studies and Reports. The Water Resources Council has prepared and will keep up to date a Handbook for Coordination of Implementation Studies and Reports for the use of agencies represented on the Council and others concerned with implementation studies of water and land resources. The handbook will provide a summary of coordination policies, a description of agency areas of interest and responsibility, designation of agency offices and representatives which are to receive information regarding planning activities, and reports for review.

C. Notification of planning clearinghouse.

The designated field office of Federal departments or agencies responsible for federally assisted programs shall inform potential applicants for assistance in planning water and land resource development projects of the need for them to notify the planning and development clearinghouse of the State(s) and the region, or, if applicable, the metropolitan area clearinghouse of their intention to apply for assistance (Bureau of the Budget Circular A-95 and Intergovernmental Cooperation Act of 1968).

Applicants for project assistance are to include with their applications:

1. Comments made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

2. A statement that the procedures for informing clearinghouses of an intention to apply have been followed and that no comments have been received.

The responsible field offices of Federal departments or agencies are responsible for establishing working relations with the appropriate clearinghouses. The clearinghouses shall be notified when the agency initiates planning activities and a conference arranged to discuss coordination needs and arrangements. At such conferences, arrangements should be made to obtain available and pertinent base data, statistics, or other information from the clearinghouse. The need and arrangements for further consultation to assure coordination should also be discussed and agreed on.

Approved

Richard Nixon

167

FINAL ENVIRONMENTAL STATEMENT
PREPARED PURSUANT TO THE
NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

I. SUMMARY

1. Purpose. The principles and standards are established for planning the use of the water and related land resources of the United States to achieve objectives, determined cooperatively, through the coordinated actions of the Federal, State, and local government; private enterprise and organizations; and individuals.

Plans for the use of the Nation's water and land resources would be directed to improvement of the quality of life through contributions to the objectives of national economic development and environmental quality.

The beneficial and adverse effects of alternative plans on each of these objectives will be displayed in separate accounts with a third and fourth account for effects on regional development and social well-being.

2. Background. The Water Resources Council began its review of principles and standards for planning water and related land resources in 1968 to carry out one of the important Congressional mandates of Public Law 89-80, the Water Resources Planning Act.

In 1969, after a preliminary report of a Special Task Force had been prepared, the Council held 10 public hearings to solicit the views, recommendations and comments of the public on the preliminary report. The Task Force's preliminary report was also widely discussed and reviewed during late 1969 and 1970 at various meetings and seminars and by numerous organizations and individuals both within and outside of the Federal Government. In addition, the proposals contained in the preliminary report were subjected to extensive analytical testing during this period.

After careful consideration of the final recommendations of the Special Task Force submitted in August 1970, the Council published proposed "Principles and Standards for Planning Water and Related Land Resources" along with a separate draft Environmental Statement on the proposed Principles and Standards in the "Federal Register" on December 21, 1971, (36 F. R. 24144) for a period of public review and comment, commencing on December 21, 1971, and terminating March 31, 1972. Notice was also given that as part of the review, a public hearing would be held at the National Museum of History and Technology in Washington, D. C., March 20 and 21, 1972. Reaction to the notice and publication of the Council's proposals prompted the Council to announce and hold additional public hearings in San Francisco, California, March 13 and 14, 1972, and St. Louis, Missouri, March 15 and 16, 1972. These were announced in the "Federal Register," February 5, 1972, Vol. 37, No. 25.

The Council received 11,832 comments on 23 issues from 4,782 respondents during the 100-day period of public review, and prepared a 320-page "Summary/Analysis of the Public Response . . ." for distribution to the public and all respondents.

The Council considered all the issues and various alternatives raised by the public and Federal and State agencies and forwarded its recommendations to the President, July 24, 1973. On August 3, 1973, President Nixon wrote Chairman Rogers C. B. Morton approving the new principles and standards for planning water and related land resources, as recommended in Chairman Morton's letter of July 24, 1973.

The Council's "Principles and Standards" will supersede the present criteria, "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President May 15, 1962, printed and commonly known as Senate Document No. 97, 87th Congress, 2d session, together with Supplement No. 1, thereto, June 4, 1964, "Evaluation Standards for Primary Outdoor Recreation Benefits," and the amendment of December 24, 1968, covering the discount rate.

The public record for the period December 21, 1971, to March 31, 1972, including letters of comment and written and oral testimony, can be inspected during the hours of 8:15 a. m. to 4:15 p. m.,

Monday through Friday, excepting national holidays, at the headquarters of the Water Resources Council. Photostat or similar copies may be obtained at a cost of $.50 per page by writing the Water Resources Council. Indicate the name of the person presenting the statement desired and page numbers as provided in Appendix II of the Council's "Summary/Analysis."

The following pertinent documents can be purchased from the National Technical Information Service, U. S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22151. Prepayment is required.

Proposed Practices for Economic Analysis of River Basin Projects, May 1958. ("Green Book"). Order # PB-209 180, $5.25.

Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources, May 29, 1962. ("S. D. 97"), Order # PB-209 184, $3.00.

Report to the Water Resources Council by the Special Task Force, Procedures for Evaluation of Water and Related Land Resource Projects, June 1969. ("Blue Book"). Order # PB-209 171, $8.75.

Summary: Federal Agency Technical Comments on the Special Task Force Report Entitled "Procedures for Evaluation of Water and Related Land Resource Projects," July 1970. ("T. F. Report" - Vol. I), Order # PB-209 172, $3.00.

Summary and Index: Public Response to the Special Task Force Report entitled "Procedures for Evaluation of Water and Related Land Resource Projects," July 1970. ("T. F. Report," Vol. II), Order # PB-209 173, $3.00.

Report to the Water Resources Council by the Special Task Force: Findings and Recommendations, July 1970. ("T. F. Report," Vol. III), Order # PB-209 174, $3.00.

Report to the Water Resources Council by the Special Task Force: Principles for Planning Water and Land Resources, July 1970. ("T. F. Report," Vol. IV), Order # PB-209 175, $3.00.

Report to the Water Resources Council by the Special Task Force: Standards for Planning Water and Land Resources, July 1970. ("T. F. Report," Vol. V), Order # PB-209 176, $3.00.

Report to the Water Resources Council by the Special Task Force: A Summary Analysis of Nineteen Tests of Proposed Evaluation Procedures on Selected Water and Land Resource Projects, July 1970. ("T. F. Report," Vol. VI), Order # PB-209 177, $3.00.

Federal Register - Water Resources Council, Proposed Principles and Standards for Planning Water and Related Land Resources, Volume 36, Number 245, December 21, 1971. (Proposed) Order # PB-209 187, $3.00.

3. Objectives. Planning for the use of water and land resources would be conducted to reflect society's preferences for attainment of the objectives defined below:

a. To enhance national economic development by increasing the value of the Nation's output of goods and services and improving national economic efficiency.

b. To enhance the quality of the environment by the management, conservation, preservation, creation, restoration, or improvement of the quality of certain natural or cultural resources and ecological systems.

Components of these objectives refer to types of outputs and environmental conditions that are being sought as contributions to these objectives.

4. Effects on objectives. For each alternative plan there will be a complete display or accounting of relevant beneficial and adverse effects on national economic development and environmental quality objectives.

Beneficial and adverse effects are measured in monetary terms for the national economic development objective.

Other beneficial or adverse effects are measured in nonmonetary terms for components of the environmental quality objective. Estimating these beneficial and adverse effects is undertaken in order to measure the net changes with respect to particular objectives that are generated by alternative plans.

Thus, there are beneficial and adverse effects for national economic development and environmental quality objectives. These would be measured in monetary or quantitative units or qualitative terms appropriate to a particular effect. The objectives are not mutually exclusive with respect to beneficial or adverse effects, and final decisions as to the selection of the recommended plan would be made by considering the differences among alternative plans as to all their effects.

a. National economic development. Beneficial effects to the national economic development objective would include all effects on national output regardless of the reason a plan may be formulated. These beneficial effects include the value of increased outputs of goods and services, the value of output resulting from external economies. National economic development adverse effects are resources required for or displaced by a plan, and losses in output resulting from external diseconomies.

b. Environmental quality. The beneficial and adverse effects of the proposed plan on the environmental characteristics of an area under study or elsewhere in the Nation would be evaluated. Environmental effects will be displayed in terms of relevant physical and ecological criteria or dimensions, including the appropriate qualitative aspects. Such an evaluation would include the effects of the proposed plan on (a) open and green spaces, wild and scenic rivers, lakes, beaches, shores, mountains and wilderness areas, estuaries, and other areas of natural beauty; (b) archeological, historical, biological, and geological resources and selected ecological systems; (c) the quality of water, land, and air resources; and (d) irreversible commitments of resources to future uses.

Effects under the environmental quality account are expressed in various quantitative units or in qualitative terms. In some instances, the effects can be expressed in terms of meeting legally established standards.

5. Other beneficial and adverse effects. For each alternative plan the beneficial and adverse effects on regional development and social well-being will be displayed where appropriate in the system of public information accounts.

a. Regional development. The beneficial and adverse effects of a proposed plan on relevant planning regions (States, river basins, or communities) would be displayed in a regional development account, including income effects and effects on other components of regional development including (1) the number and types of jobs resulting from a plan in the region; (2) the effects of the plan on population distribution within the region and among regions; (3) the effects of the plan on the regional economic base and economic stability; and (4) the effect of the plan on environmental quality in the region under consideration.

Because of measurement problems, a complete display of beneficial and adverse effects for all components in the regional development account will not be made for a plan unless directed by a Department Secretary or a head of an independent agency.

b. Social well-being. The beneficial and adverse effects of a proposed plan on the social well-being account will be displayed, including the effects of a plan on the real income of classes or groups that are relevant to the evaluation of the plan; effects of the plan on life, health, and safety; effects of the plan on educational, cultural, and recreational opportunity; effects of the plan on reserve capacities and flexibilities in water resource systems and protection against interruption of the flow of essential goods and services at times of national disaster or critical needs; and effects of a plan on other relevant social factors.

6. System of accounts. A system of public information accounts would be established that displays beneficial and adverse effects of each plan to the objectives and beneficial and adverse effects on regional development and social well-being and provides a basis for comparing alternative plans. The display of beneficial and adverse effects would be prepared in such manner that the different levels of achievement to the components of each objective could br readily discerned and compared indicating the tradeoffs among alternative plans. The system of accounts will display the beneficial and adverse effects in the region under consideration in relation to other parts of the Nation.

7. The planning process. Plans will be directed to improvements in the quality of life by meeting current and projected needs and problems as identified by the desires of people in such a manner that improved contributions are made to society's preferences for national economic development and environmental quality. Plans for water and land resources will focus upon the specified components of the objectives desired for the designated region, river basin, State, or local planning setting.

The planning process would include the following major steps:

(1) Specify components of the objectives relevant to the planning setting;

(2) Evaluate resource capabilities and expected economic and environmental conditions without any plan;

(3) Formulate alternative plans to achieve varying levels of contributions to the specified components of the objectives;

(4) Analyze the differences among the alternative plans which reflect different emphases among the specified components of the objectives;

(5) Review and reconsider if necessary the specified components for the planning setting and formulate additional alternative plans as appropriate; and

(6) Select a recommended plan based upon an evaluation of the tradeoffs among the alternative plans.

Essential to this process is the formulation of alternative plans to achieve varying levels of contributions to the objectives and the active participation of all interests.

During the planning process one alternative plan will be formulated in which optimum contributions are made to the national economic development objective. Additionally, during the planning process at least one alternative plan will be formulated which emphasizes the contributions to the environmental quality objective. Other alternative plans reflecting significant physical, technological, legal or public policy constraints or reflecting significant tradeoffs between the national economic development and environmental quality objectives may be formulated.

Four tests would be applied in the formulation of any given alternative plan:

(1) The acceptability of the alternative plan to the public and compatibility with institutional constraints;

(2) The effectiveness of the alternative plan in meeting component needs of the objectives;

(3) The efficiency of the plan in meeting component needs of the objectives and a demonstration that the plan represents the least-cost means of achieving such component needs; and

(4) The completeness of the plan in accounting for all investments and other required inputs or actions.

As alternative plans are developed and subjected to these tests, the basic steps in the planning process may be reiterated as necessary with each iteration more detailed than the last.

Each alternative plan screened for final consideration should be "justified" in the sense that in the judgment of the planning organization the total beneficial effects to all objectives exceed the total adverse effects to all objectives.

From its analysis of alternative plans the planning organization will select a recommended plan. The plan selected will reflect the importance attached to different objectives and the extent to which different objectives can be achieved by carrying out the plan.

The recommended plan should be formulated so that beneficial and adverse effects toward objectives reflect, to the best of current understanding and knowledge, the priorities and preferences expressed by the public at all levels to be affected by the plan.

A recommended plan must have net national economic development benefits unless the deficiency in net benefits for the national economic development objective is the result of benefits foregone or additional costs incurred to serve the environmental objective. In such cases, a plan with a less than unity benefit-cost balance may be recommended as long as the net deficit does not exceed the benefits foregone and the additional costs incurred for the environmental objective. A Departmental Secretary or head of an independent agency may make an exception to the net benefits rule if he determines that circumstances unique to the plan formulation process warrant such exception.

In addition to the recommended plan with supporting analysis, other significant alternative plans embodying different priorities among the desired objectives would be presented in the planning report. Included with the presentation of alternative plans would be an analysis of the tradeoffs among them. The tradeoffs would be set forth in explicit terms, including the basis for choosing the recommended plan from among the alternative plans.

8. Cost allocation and reimbursement. When necessary to establish reimbursement or cost-sharing policies an allocation of appropriate costs would be made among the objectives and among components of the objectives in such a manner to insure that all objectives and components are treated comparably and receive their fair share of the advantages from an objective plan.

Reimbursement and cost-sharing policies would be directed generally to the end that identifiable beneficiaries bear an equitable share of costs commensurate with benefits received in full cognizance of the objectives. Since existing cost-sharing policies are not entirely consistent with the two objective approach to planning water and land resources, these policies will be reviewed and needed changes will be recommended.

9. The discount rate. The discount rate will be established in accordance with the concept that the Government's investment decisions are related to the cost of Federal borrowing.

The interest rate to be used in plan formulation and evaluation shall be based upon the estimated average cost of Federal borrowing as determined by the Secretary of the Treasury taking into consideration the average yield during the twelve months preceding his determination on interest-bearing marketable securities of the United States with remaining periods to maturity comparable to a 50-year period of investment. The rate shall be raised or lowered by no more than or less than one-half percentage point for any year. When the average cost of Federal borrowing as determined by the Secretary of the Treasury exceeds the established discount rate by more than 0.25 percentage points, the rate shall be raised 0.5 percentage points. When the average cost is less than the established rate by more than 0.25 percentage points, the rate shall be lowered 0.5 percentage points.

The Water Resources Council shall determine, as of July 1, the discount rate to be used during the fiscal year.

The discount rate to be used in plan formulation and evaluation during the remainder of the fiscal year 1974 shall be 6-7/8 percent.

10. National program development. The Council will formulate a national program for Federal and federally assisted water and land resource activities, including a long-range schedule of priorities among plans for projects, States, regions, and river basins.

11. Water and land planning activities covered. The principles and standards would apply to Federal participation with river basin commissions, States, and others in the preparation, formulation, evaluation, review, revision, and transmission to the Congress of plans for States, regions, and river basins; and for planning of Federal and certain federally assisted water and land resource programs and projects as listed in the standards by the Water Resources Council.

II. EVALUATION

(Environmental Impact, Unavoidable Adverse Environmental Effects, and Irreversible and Irretrievable Commitments of Resources)

The evaluation system and system of public information accounts provide for the full and systematic display of effects, including those which are generally regarded as favorable or beneficial, those which are generally regarded as unfavorable or adverse, and those for which preferences differ and may be considered either beneficial or adverse depending upon the value judgments of those expressing the perference. The effects of an alternative plan on the environmental characteristics of an area under study or elsewhere in the Nation would be evaluated for each alternative plan formulated. Thus, environmental effects would be displayed for each alternative plan whether formulated to achieve optimum contributions to the national economic development objective, or formulated to emphasize contributions to the environmental quality objective. Environmental effects would also be displayed for alternative plans formulated to reflect various levels of

contributions to the national economic development or environmental quality objectives. The display of environmental effects and the effects on the other objectives for all alternative plans formulated would provide information which should facilitate planning decisions and reduce conflict over such decisions.

The principles and standards conform fully with the intent and the spirit of the National Environmental Policy Act of 1969 by providing for full and systematic evaluation and display of environmental effects for all alternative plans.

III. FORMULATION

(Alternatives and the Relationship Between Short-Term Uses of the Environment and Enhancement of Long-Term Productivity)

The explicit consideration of the environmental quality objective in formulating plans for the use of the Nation's water and land resources provides opportunity for consideration of significant enhancement of the quality of the environment. Rather than simply displaying environmental impacts the planning process established in the principles and standards would require that plans be directed to meeting current and projected needs and problems as identified by the desires of people in such a manner that improved contributions are made to society's preferences for national economic development or environmental quality. Impacts on regional development and social well-being are also considered where appropriate. At the outset and throughout the planning process responsible planning organizations would consult appropriate Federal, regional, State, and local groups to ascertain the components of the objectives that are significantly related to the use and management of the water and land resources in the planning setting. The identification of the specific components of objectives to be considered explicitly in plan formulation will necessarily involve an appraisal of future economic, environmental and social conditions expected without the plan as compared with those desired by people for the planning area.

The principles and standards will be applied at all levels of planning as defined by the Water Resources Council. At the broadest level of planning, that is, framework studies and assessments, specification of the components of the environmental quality objective would be directed toward the alternative choices that should be considered and evaluated in the study responsive to the needs and aspirations of the people. These alternative choices relate to various views of the desires of people in the mix of objectives to be served in planning for the use of the Nation's water and land resources and reflect the alternative parameters and assumptions upon which the planning is based, including but not necessarily limited to alternative assumptions regarding the levels of future economic and population growth and environmental quality.

At the next more detailed level of planning defined by the Water Resources Council, that is, regional or river basin planning, specifications of the components of the environmental quality objective would generally be concerned with alternative courses of action that should be considered and evaluated in planning for the use of water and land resources of an entire region or river basin as this is the level of consideration of alternatives at which the environmental issues and tradeoffs are most likely to be relevant to decisionmaking.

At the most detailed level of planning defined by the Water Resources Council, that is, implementation studies, specification of the components of the environmental quality objective will generally be concerned with groups of interrelated or individual plan elements where environmental issues and tradeoffs are likely to be significant in the decisionmaking process.

The success of water and land resources planning will depend on meaningful participation of interests concerned with each objective at each step in the planning process. Under the principles and standards when the objectives of a framework study or assessment or regional or river basin plan have been identified the study leader responsible for the management of the study will prepare a statement of the specified components of the objectives and the probable effects of the plan on such objectives. A copy of the statement will be sent to the Water Resources Council and to the Council on Environmental Quality as a preliminary report under section 102(2)(C) of the National Environmental Policy Act of 1969. The study manager will submit completed reports of framework studies and assessments and regional or river basin planning studies to the Water Resources Council for review. Copies of such reports shall be furnished to the Council on Environmental Quality.

It is concluded that promulgation of the Principles and Standards for Planning Water and Related Land Resources will further the purposes of the National Environmental Policy Act of 1969.

13

[FR Doc.73-19217 Filed 9-7-73;8:45 am]

federal register

MONDAY, SEPTEMBER 10, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 174

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

FAMILIES, CHILDREN, AND AGED, BLIND, OR DISABLED INDIVIDUALS

Service Programs

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 221]

FAMILIES, CHILDREN, AGED, BLIND, OR DISABLED INDIVIDUALS

Service Programs

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

Notice of proposed rulemaking was published in the FEDERAL REGISTER on February 16, 1973 (38 FR 4608).

Final regulations responsive to comments received were published in the FEDERAL REGISTER on May 1, 1973 (38 FR 10782), with an effective date of July 1, 1973. An amendment clarifying several provisions was published on June 1, 1973 (38 FR 14375).

Public Law 93–66 signed by the President on July 9, 1973, postponed the effective date until November 1, 1973. Notice of this postponement was published in the FEDERAL REGISTER on July 25, 1973 (38 FR 19911).

The new proposals would amend the regulations published on May 1, 1973 and June 1, 1973 to:

1. Require States to establish, under the adult services program, a plan for deinstitutionalization and prevention of institutionalization of individuals through the provision of defined services (§ 221.5(a)).

2. Broaden the coverage of potential recipients, consistent with the deduction for work-related expenses enjoyed by recipients, by defining the income limit as $60 plus 150 percent (233 percent in relation to day care) of the payment standard (previously $30) (§ 221.6(a)(3)(i))

3. Permit an additional income disregard for the mentally retarded, with the amount to be established by each State; (§ 211.6(a)(3)(iii))

4. Broaden the coverage (for family planning services) to include any female of childbearing age who meets financial eligibility requirements; (§ 211.6(a)(3)(vii))

5. Allow 6 months (instead of 3) from the effective date of the final regulations for redetermination of eligibility of all current recipients of services; (§ 211.7(b))

6. Remove the cumbersome aspects of the assets test for determination of potential recipients, although States must continue to consider available resources in determining whether families and individuals are likely to become applicants for or recipients of financial assistance within 6 months;

7. Add the goal of strengthening family life (§ 221.8(a)(3)), under which States may provide family planning services; and other services including day care, to prevent child abuse and neglect (§ 211.9(b)(3));

8. Expand the definition of health-related services to encompass those necessary to a program of active treatment for alcoholics and drug addicts; (§ 221.9(b)(9))

9. Expand the definition of legal services to include those required to establish paternity of children born out of wedlock, obtain child support payments, and legally adopt a child; (§ 221.9(b)(14))

10. Add a new defined service, Special services for the mentally retarded; (§ 221.9(b)(19))

11. Provide Federal financial participation for appropriate medical services necessary for active treatment of drug addicts and alcoholics, together with medical treatment required for services to the mentally retarded, provided that any other public and private sources are utilized first. (§ 221.53(i))

12. Incorporate new statutory language concerning Federal sharing in services to children in foster care. (§ 221.55(d)(5))

The proposed regulations do not affect current provisions in Part 220 applicable to the work incentive program (WIN) and to child welfare services (CWS). Amendments to those portions of Part 220 will be published separately.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before October 10, 1973. Comments received will be available for public inspection in Room 5224 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–962–4451).

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

(Catalog of Federal Domestic Assistance No. 13754, Public Assistance—Social Services)

Dated September 5, 1973.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved September 5, 1973.

FRANK CARLUCCI,
Acting Secretary.

Part 221, Chapter II, Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 221.2 is amended to revise paragraph (c) as follows:

§ 221.2 Organization and administration.

* * * * *

(c) *Opportunity to present views.*— There must be an opportunity for recipients of services to present their views about the services program. The State may permit such opportunity to be either oral or in writing.

* * * * *

2. Section 221.5 is revised as follows:

§ 221.5 Statutory requirements for services.

(a) In order to carry out the statutory requirements under the act with respect to family services and adult services programs, and in order to be eligible for 75 percent Federal financial participation in the costs of providing services, including the determination of eligibility for services, the State must, under the family services program, provide to appropriate members of the AFDC assistance unit the mandatory services and those optional services the State elects to include in the State plan, and must, under the Adult Services program, establish a plan for deinstitutionalization and preventing institutionalization of individuals, and include in the State plan those defined adult services which the State considers necessary to achieve that objective.

(b)(1) For the family services program, the mandatory services are family planning services, foster-care services for children, and protective services for children. The optional services are day-care services for children, educational services, employment services (non-WIN), health-related services, homemaker services, home management and other functional educational services, housing improvement services, legal services, transportation services and special services for the mentally retarded.

(2) For the adult services program, the defined services are chore services, day-care services for adults, educational services, employment services, family planning services, foster-care services for adults, health-related services, home delivered or congregate meals, homemaker services, home management and other functional educational services, housing improvement services, legal services protective services for adults, special services for the blind, transportation services and special services for the mentally retarded.

3. Section 221.6(a)(3) is amended by revising subdivisions (i) and (ii), redesignating subdivisions (iii), (iv), and (v) as (iv), (v), and (vi) and adding new subdivisions (iii) and (vii) as follows:

§ 221.6 Services to additional families and individuals.

* * * * *

(a)(3)(i) With respect to title IV–A, have gross monthly income which after deducting $60, (A) does not exceed 150 percent of the State's financial assistance payment standard; or (B) with respect to eligibility for day-care services, does not exceed the maximum allowable under the State's schedule of fees to be paid for such services by otherwise eligible families, as contained in the State's approved plan; or

(ii) With respect to titles I, X, XIV, or XVI, have gross monthly income which does not exceed 150 percent of the combined total of the supplementary security income benefit level provided for under title XVI of the Act (as amended by Public Law 92–603) and the State supplementary benefit level, if any (in

the case of Puerto Rico, the Virgin Islands, and Guam, 150 percent of the financial assistance payment standard);

(iii) Notwithstanding the provisions of paragraph (c)(3)(i) and (ii), of this section, with respect to an otherwise eligible mentally retarded individual as defined in paragraph (c)(3)(v) of this section, the State plan shall provide for an additional deduction from gross monthly income in order to recognize the unique financial burden associated with a mentally retarded individual.

(iv) (A) In the case of eligibility under title IV–A, have a specific problem or problems which are susceptible to correction of amelioration through provisions of services and which will lead to dependence on financial assistance under title IV–A within 6 months if not corrected or ameliorated; or

(B) In the case of eligibility under title I, X, XIV, or XVI, have a specific problem or problems which are susceptible to correction or amelioration through provisions of services and which will lead to dependence on financial assistance under such title, or medical assistance, within 6 months if not corrected or ameliorated; and who are

(1) At least 64½ years of age for linkage to title I or title XVI with respect to the aged;

(2) Experiencing serious, progressive deterioration of sight that, as substantiated by medical opinion, is likely to reach the level of the State agency's definition of blindness within 6 months, for linkage to title X, or title XVI with respect to the blind; or

(3) According to licensed physician's opinion as approved by the State agency, experiencing a physical or mental condition which is likely to result within 6 months in permanent and total disability, for linkage to title XIV, or title XVI with respect to the disabled.

(v) Notwithstanding the provisions of this subparagraph (3) or § 221.7(b)(1), an eligible mentally retarded individual may for the period July 1, 1973, through December 31, 1973, be considered by the State as eligible for services for so much of such period as the mentally retarded individual continues to meet the eligibility requirements of § 222.55(a)(2) of this chapter, as previously in effect. "Mentally retarded individual" means an indidivual, not psychotic, who, according to a licensed physician's opinion, is so mentally retarded from infancy or before reaching 18 years of age that he is incapable of managing himself and his affairs independently, with ordinary prudence, or of being taught to do so, and who requires supervision, control, and care, for his own welfare, or for the welfare of others, or for the welfare of the community.

(vi) Notwithstanding the provisions of this subparagraph (3), or § 221.7(b)(1), children of migrant workers may be considered by the State to be eligible for day-care services through December 31, 1973, on the basis of the provisions of part 220 as previously in effect.

(vii) Notwithstanding the provisions of this subparagraph (3), or § 221.8(a), any female of childbearing age who requests family planning services may be considered eligible to receive such services as defined in § 221.9(b)(6)(i); provided such individual has gross monthly income which, after deducting $60, does not exceed 150 percent of the State's financial assistance payment standard under title IV–A for one adult plus one child, or, if she is part of a family unit, then the applicable payment standard for such family unit plus one child.

(4) Aged, blind, or disabled persons who are likely to become applicants for or recipients of financial assistance under the State plan within 8 months as evidenced by the fact that they are currently eligible for medical assistance as medically needy individuals under the State's title XIX plan.

§ 221.7 [Amended]

4. Section 221.7(b)(1) is amended by changing the time period from three months to six months.

5. Section 221.8 is amended to add a new paragraph (a)(3) as follows:

§ 221.8 Program control and coordination.

(a) * * *

(3) *Strengthening family life goal.*—In the case of all recipients of financial assistance under the family program, to strengthen family life by providing (i) family planning services and (ii) such defined family services in the State plan as are necessary to prevent neglect or abuse of a child who has been identified as likely to become neglected or abused as a result of home conditions which seriously threaten the child physically or emotionally.

* * * * *

6. In § 221.9, paragraphs (b)(3), (b)(9), and (b)(14) are revised and a new paragraph (b)(19) is added as follows:

§ 221.9 Definitions of services.

(a) This section contains definitions of all mandatory and optional services under the family services program and the defined services under the adult services program (see §§ 221.5 and 221.6).

(b)(1) *Chore services.*—This means the performance of household tasks, essential shopping, simple household repairs, and other light work necessary to enable an individual to remain in his own home when he is unable to perform such tasks himself and they do not require the services of a trained homemaker or other specialist.

(2) *Day care services for adults.*—This means personal care during the day in a protective setting approved by the State or local agency.

(3) *Day care services for children.*—This means care of a child for a portion of the day, but less than 24 hours, in his own home by a responsible person, or outside his home in a day care facility. Such care must be for the purpose of enabling the caretaker relatives to participate in employment or training, or because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child. Day care may also be provided, when appropriate, for eligible children who are mentally retarded and to other recipients, to the extent necessary to accomplish the strengthening family life goal. In-home care must meet State agency standards, that as a minimum, include requirements with respect to: The responsible person's capacity and available time to properly care for children; minimum and maximum hours to be allowed per 24-hour day for such care; maximum number of children that may be cared for in the home at any one time; and proper feeding and health care of the children. Day care facilities used for the care of children must be licensed by the State or approved as meeting the standards for such licensing and day care facilities and services must comply with such standards as may be prescribed by the Secretary.

(4) *Educational services.*—This means helping individuals to secure educational training most appropriate to their capacities, from available community resources at no cost to the agency.

(5) *Employment services (non-WIN under title IV–A and for the blind or disabled).*—This means enabling appropriate individuals to secured paid employment or training leading to such employment, through vocational, educational, social, and psychological diagnostic accessments to determine potential for job training or employment; and through helping them to obtain vocational education or training at no cost to the agency.

* * * * *

(9) *Health-related services.*—This means helping individuals and families to identify health needs and to secure needed health services available under medicaid, medicare, maternal and child health programs, handicapped children's programs or other agency health services programs and from other public or private agencies or providers of health services; planning, as appropriate, with the individual and health providers to help assure continuity of treatment and carrying out of health recommendations; helping such individual to secure admission to medical institutions and other health related facilities; and providing appropriate medical services necessary to a program of active treatment of individuals who are alcoholics or drug addicts.

(10) *Home delivered or congregate meals.*—This means the preparation and delivery of hot meals to an individual in his home or in a central dining facility as necessary to prevent institutionalization or malnutrition.

(11) *Homemaker services.*—(i) For family services this means care of individuals in their own homes, and helping individual caretaker relatives to achieve adequate household and family management, through the services of a trained and supervised homemaker.

(ii) For adult services this means care of individuals in their own homes, and helping individuals in maintaining,

strengthening, and safeguarding their functioning in the home through the services of a trained and supervised homemaker.

(12) *Home management and other functional educational services.*—This means formal or informal instruction and training in management of household budgets, maintenance and care of the home, preparation of food, nutrition, consumer education, childrearing, and health maintenance.

(13) *Housing improvement services.*—This means helping families and individuals to obtain or retain adequate housing. Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase, may not be claimed as service costs.

(14) *Legal services.*—This means the services of a lawyer in solving legal problems of eligible individuals to the extent necessary to obtain or retain employment, establish paternity of children born out of wedlock, secure and collect child support payments and legally adopt a child. This does not apply to district attorneys or other public prosecuting attorneys, and excludes all other legal services, including fee generating cases, criminal cases, class actions, community organization, lobbying, and political action.

(15) *Protective services for adults.*—This means identifying and helping to correct hazardous living conditions or situations of an individual who is unable to protect or care for himself.

(16) *Protective services for children.*—This means responding to instances, and substantiating the evidence, of neglect, abuse, or exploitation of a child; helping parents recognize the causes thereof and strengthening (through arrangement of one or more of the services included in the State plan) parental ability to provide acceptable care; or, if that is not possible, bringing the situation to the attention of appropriate courts or law enforcement agencies, and furnishing relevant data.

(17) *Special services for the blind.*—This means helping to alleviate the handicapping effects of blindness through: Training in mobility, personal care, home management, and communication skills; special aids and appliances; special counseling for caretakers of blind children and adults; and help in securing talking-book machines.

(18) *Transportation services.*—This means transportation necessary to travel to and from community facilities or resources for receipt of mandatory or optional services.

(19) *Special services for the mentally retarded.*—This means helping to alleviate the handicapping effect of mental retardation through: evaluation of the individual through necessary medical and psychological services; counseling with parents or caretaker relatives of the retarded individual; sheltered employment; day care appropriate to the needs of retarded individuals; and special training for self-care.

§ 221.30 [Amended]

7. In § 221.30, the date in the second sentence is changed from July 1, 1973 to November 1, 1973.

8. Section 221.52 is amended by redesignating paragraph (n) as (o) and adding a new paragraph (n) to read as follows:

§ 221.52 Expenditures for which Federal financial participation is available.

* * * * *

(n) When providing meals is an integral part of day care services, costs of food when limited to snacks and light meals, and not otherwise available under any public program.

9. Section 221.53(i) is revised as set forth below:

§ 221.53 Expenditures for which Federal financial participation is not available.

* * * * *

(i) Medical, mental health, or remedial care or services, except when they are:

(1) Part of the family planning services under title IV–A, including medical services or supplies for family planning purposes or

(2) Medical examinations which are required for admission to child-care facilities or for persons caring for children under agency auspices (but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources); or

(3) Appropriate medical services necessary to a program of active treatment of indiviluals who are alcoholics or drug addicts (but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources); or

(4) Appropriate medical or psychological services necessary to evaluation of a mentally retarded individual as provided in § 221.9(b)(19) (but only to the extent not otherwise available from medicaid, medicare, or other public or private sources including insurance or other resources).

* * * * *

10. Section 221.55(d) is revised to read as follows:

§ 221.55 Limitations on total amount of Federal funds payable to States for services.

* * * * *

(d) Not more than 10 percent of the Federal funds shall be paid with respect to expenditures in providing services under title IV–A to families or to individuals (eligible for services) who are not recipients of aid or assistance under State plans approved under such titles, or applicants for such aid or assistance, except that this limitation does not apply to the following services provided to eligible persons:

(1) Services provided to meet the needs of a child for personal care, protection, and supervision but only in the case of a child where the provision of such services is necessary in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or because of the death, continued absence from home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate and necessary care and supervision for such child;

(2) Family planning services;

(3) Any services included in the approved State plan that are provided to an individual diagnosed as mentally retarded by a State mental retardation clinic or other agency or organization recognized by the State agency as competent to make such diagnoses, or by a licensed physician, but only if such services are needed for such individual by reason of his condition of being mentally retarded;

(4) Any services included in the approved State plan provided to an individual who has been certified as a drug addict by the director of a drug abuse treatment program licensed by the State, or to an individual who has been diagnosed by a licensed physician as an alcoholic or drug addict, but only if such services are needed by such individual as part of a program of active treatment of his condition as a drug addict or an alcoholic; and

(5) Services provided to a child who is under foster care in a foster family home (as defined in section 408 of the Social Security Act) or in a child-care institution (as defined in such section), or while awaiting placement in such a home or institution, but only if such services are needed by such child because he is under foster care.

[FR Doc.73-19242 Filed 9-7-73;8:45 am]

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HARRY S. TRUMAN

1945	$5.50	1949	$6.75
1946	$6.00	1950	$7.75
1947	$5.25	1951	$6.25
1948	$9.75	1952–53	$9.00

DWIGHT D. EISENHOWER

1953	$6.75	1957	$6.75
1954	$7.25	1958	$8.25
1955	$6.75	1959	$7.00
1956	$7.25	1960–61	$7.75

JOHN F. KENNEDY

1961	$9.00	1962	$9.00
1963	$9.00		

LYNDON B. JOHNSON

1963–64 (Book I)	$6.75	1966 (Book I)	$6.50
1963–64 (Book II)	$7.00	1966 (Book II)	$7.00
1965 (Book I)	$6.25	1967 (Book I)	$8.75
1965 (Book II)	$6.25	1967 (Book II)	$8.00
1968–69 (Book I)	$10.50		
1968–69 (Book II)	$9.50		

RICHARD NIXON

1969	$14.50	1970	$15.75
1971	$15.75		

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

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