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PART I

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

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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.

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This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1973. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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CFR Unit (Rev. as of Jan. 1, 1973):

Title	Price
1	$0.55
2 [Reserved]	
3	2.60
3A 1972 Compilation	2.50
4	1.75
5	3.75
6 (Rev. Feb. 1, 1973)	4.25
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981–999	2.25
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1060–1119	4.00
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1500–end	6.50
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10	4.00
11	.75
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1–299	5.50
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19	5.00
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1–9	2.25
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CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL—PHASE IV PRICE REGULATIONS

Product Mix Changes

The purpose of these amendments is to modify the treatment of changes in product mix under the rules applicable to food manufacturing in Phase IV.

Under the original "gross margin" rule applicable to slaughtering and meat manufacturing during the period March–September, 1973, total permissible sales revenues for any quarter could be exceeded by reason of changes in product mix (among other reasons). When the new regulations applicable to food manufacturing became effective on September 9, the product mix rule was different in two significant respects: (1) only changes in product mix which were "temporary" and "unforeseen" were recognized as a basis for justifying a revenue excess, and (2) it was made a matter of the Council's discretion whether to take those changes in product mix into account in determining whether a violation had occurred. The Council, in making those changes in the product mix rule for purposes of food manufacturing under Subpart Q, adopted verbatim the product mix rule as it had been promulgated for wholesaling and retailing under Subpart K of the Phase IV price regulations.

In adopting for Subpart Q purposes the more stringent product mix rule of Subpart K, the Council intended to foreclose further application of the original unrestrained product mix rule until the Council had had a better opportunity to examine the frequency and impact of changes in product mix in the food manufacturing industry and to design a new product mix rule which would both recognize the possibility of justifiably increased revenues derived from changes in product mix and preclude use of the product mix rule as an unjustified excuse for revenue excesses.

After considering the problem in some detail, the Council has decided that its objectives can be met through adoption of the present amendments.

First, these amendments place changes in product mix on the same ground as seasonal patterns and the sale of exempt items as bases for possible justification of a revenue excess under Subpart Q: the firm concerned must demonstrate, to the satisfaction of the Council, that the revenue excess was attributable to or justified on the basis of one or more of the three factors mentioned.

Second, "temporary" and "unforseen" are omitted in recognition of the fact that changes in product mix in food manufacturing do occur which are long-term and foreseeable and which should be permitted to be taken into account in calculating total permissible revenues under Subpart Q.

Third, firms which seek to justify a revenue excess on the basis of changes in product mix are given guidance as to what kind of change in product mix can be justifiable and what kind of justification is necessary in order to satisfy the Council. The new statement of the product mix rule provides that the initial test to be applied is whether the firm's actual revenues exceed the total revenues which would have been permissible if the total revenue during the base period had been changes in product mix. To the extent calculated on the basis of the current product mix. Details concerning this calculation are provided in an appendix to Subpart Q. To the extent that actual revenues exceed total permissible revenues on the basis indicated, that excess will not be deemed attributable to changes in product mix. To to the extent that actual revenues do not exceed total permissible revenues on the basis indicated but do exceed total permissible revenues under the revenue formula in Subpart Q, that excess is potentially justifiable on the grounds of changes in product mix.

In addition, the new product mix rule makes it clear that the Council may reject as unjustifiable a revenue excess based on product mix changes where the Council believes that those changes were not either (1) largely induced by market forces beyond the control of the firm concerned or (2) intended to result in greater efficiency of food production or distribution. The Council may reject as unjustifiable any revenue excess which the Council believes resulted from a change in product mix which was made in order to circumvent the purposes of the regulations.

The new product mix rule is made retroactive to the effective date of Subpart Q. The Council recognizes that the criteria for determining the acceptability of product mix justification as provided in these amendments was not made available to firms concerned until near the end of or after the close of monthly or quarterly reporting periods in some cases. However, since the matter of whether or not to allow revenue excesses based on product mix changes had always been at the option of the Council under Subpart Q prior to these amendments, and since these amendments provide a clarification of product mix criteria which eliminate the limitations with regard to "temporary" and "unforseen" and now require the Council to accept justifiable changes in product mix as a basis for revenue excess, the Council believes that the publication of the present amendments at this time on a retroactive basis may result in hardship only in connection with filing deadlines. Accordingly, the Council has advised the Internal Revenue Service that it may extend the time for filing monthly or quarterly reports up to 15 days when requested by firms for good cause, including firms for which product mix change is a factor.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective 11:59 p.m., e.s.t., September 9, 1973.

Issued in Washington, D.C., on October 30, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. Section 150.606(c)(2)(i) is amended to read as set forth below; § 150.606(c)(2)(ii) is redesignated as § 150.606(c)(2)(iii) and a new § 150.606(c)(2)(ii) is added to read as set forth below; and § 150.606(c)(2) is amended to read as follows:

§ 150.606 Food manufacturing: Price rules.

* * * * *

(c) *Price rules.* * * *

(2)(i) Sales revenues for any fiscal quarter may exceed the total sales revenues calculated in accordance with paragraph (c)(1) of this section only if the firm concerned demonstrates, to the satisfaction of the Council, that the excess is justified on the basis of seasonal patterns or changes in product mix or is attributable to revenues derived from the sale of exempt items.

(ii) A firm which seeks to justify a revenue excess on the basis of changes in product mix shall, as an initial step in discharging its obligation to present justification satisfactory to the Council, submit in accordance with the appendix to this subpart a comparison of actual sales revenues for the period concerned with total sales revenues which would have been permissible under paragraph (c)(1) of this section if total sales revenues during the base period had been calculated on the basis of current product mix. To the extent that actual sales revenues for the period concerned exceed total sales revenues which would have been permissible on the basis of current product mix during the base period, the excess is not justifiable on the basis of changes in product mix. To the extent that actual sales revenues for the period concerned do not exceed total permissible revenues on the basis indicated, but do exceed total sales revenues (R_2) calculated in accordance with paragraph (c)(1) of this section, that excess is potentially justifiable on the basis of changes in product mix. The Council shall accept justification based on changes in product mix if the firm concerned demonstrates, to the Council's satisfaction, that (A) the change results largely from market forces or raw material supply conditions beyond the control of the firm or (B) the change is intended to result in greater utilization of food raw materials or production or distribution efficiencies. However, the Council may reject justification based on a change in product mix which, in the judgment of the Council, was made by the firm concerned in order to circumvent the purposes of this section or of the Economic Stabilization Program. If the Council does not act upon a submission attempting to justify a revenue excess on the basis of changes in product mix within 90 days of the date of its receipt, the revenue excess which is potentially justifiable on that basis as provided by this paragraph shall be deemed justified.

* * * * *

(e) *Reporting and recordkeeping.* * * *

(2) *Action by the Council on monthly reports.* If it appears to the Council, upon examination of a monthly report submitted pursuant to this section, that a firm's revenues with respect to a product line are at a rate that would, when projected for the fiscal quarter, exceed the revenues permitted by this section and the firm fails to demonstrate, to the satisfaction of the Council, that it will not exceed the revenues permitted by this section for that quarter or that any excess will be justified on the basis of seasonal patterns or changes in product mix or will be attributable to revenues derived from the sale of exempt items, the Council may suspend authority to implement price increases and order price reductions if necessary to assure compliance with paragraph (c) of this section.

2. The following appendix is added at the end of Subpart Q:

APPENDIX TO SUBPART Q—METHOD FOR DETERMINING EXTENT TO WHICH REVENUE EXCESS IS POTENTIALLY JUSTIFIABLE ON BASIS OF CHANGES IN PRODUCT MIX.

TERMS FOR PURPOSES OF THIS APPENDIX

R_c = Current period sales revenue for the product line concerned.

R_2 = Current period total permissible sales revenue for the product line concerned.

R_1 = Base period total sales revenues for the product line concerned.

R_1' = Base period total sales revenues for the product line concerned adjusted for current product mix.

R_2' = Current period total permissible sales revenues for the product line concerned adjusted by using current product mix in the base period.

V_2 = Current period volume of food or food raw material units for the product line concerned.

V_1 = Base period volume of food or food raw material units for the product line concerned.

Step 1. Multiply the current period volume for each item in the product line concerned by the average price for that item during the base period.

Step 2. Total the products of the calculations made in Step 1. The result is base period revenues for the product line concerned adjusted for current product mix at current volume.

Step 3. To offset the effect of product-line volume change between the base period and the current period, multiply the result of Step 2 by $\frac{V_1}{V_2}$. The result is R_1'.

Step 4. Using the R_1' calculated in Step 3, calculate R_2' on the basis of the formula provided in § 150.606 (c)(1); i.e.,

$$R_2' = R_1' \times \frac{V_1}{V_2} (C + 100\%)$$

Step 5. Compare current period revenues for the product line concerned (R_c) with R_2'. To the extent that R_c exceed R_2', that excess will not be deemed attributable to changes in product mix. To the extent that R_c exceed R_2 but do not exceed R_2', that excess is potentially justifiable as an excess allowable on the basis of changes in product mix.

Example A. ($V_2 = V_1$ and $C = 10\%$)

Items	A	B	C	V_1	V_2	R_1	R_1'
Actual base period volume	20	40	40	100			
Average base period price	$1.00	.80	.60			$76	
Current period volume	30	40	30		100		$80

$R_1 = (20)\ (1.00) + (40)\ (0.80) + (40)\ (0.60) = \$76.00.$

$R_1' = [(30)\ (1.00) + (40)\ (0.80) + (30)\ (0.60)] \times \frac{100}{100} = \$80.00.$

$R_2 = \$76 \times \frac{100}{100} \times (10\% + 100\%) = \$83.60.$

$R_2' = \$80 \times \frac{100}{100} \times (10\% + 100\%) = \$88.00.$

In this case, if current period revenues (R_c) are larger than $83.60 but not more than $88.00, the entire excess over $83.60 is potentially justifiable on the basis of product mix changes. If R_c is more than $88.00, the excess over $88.00 will not be deemed attributable to changes in product mix.

Example B. ($V_2 < V_1$ and $C = 0$)

Items	A	B	C	V_1	V_2	R_1	R_1'
Actual base period volume	20	40	40	100			
Average base period price	1.00	.80	.60			$76	
Current period volume	24	32	24		80		$80

$R_1 = \$76.00$ (See example A).

$R_1' = [(24)\ (1.00) + (32)\ (0.80) + (24)\ (0.60)] \times \frac{100}{80} = \$80.00.$

$R_2 = \$76 \times \frac{80}{100} \times (0 + 100\%) = \$60.80.$

$R_2' = \$80 \times \frac{80}{100} \times (0 + 100\%) = \$64.00.$

Example C. ($V_2 > V_1$, and $C = 0$)

Items	A	B	C	V_1	V_2	R_1	R_1'
Actual base period volume	20	40	40	100			
Average base period price	1.00	.80	.60			$76	
Current period volume	36	48	36		120		$80

$R_1 = \$76.00$ (See example A)

$R_1' = [(36)\ (1.00) + (48)\ (0.80) + (36)\ (60)] \times \frac{100}{120} = \$80.00.$

$R_2 = 76 \times \frac{120}{100} \times (0 + 100\%) = \$91.20.$

$R_2' = 80 \times \frac{120}{100} \times (0 + 100\%) = \$96.00.$

[FR Doc.73-23359 Filed 10-30-73;10:43 am]

[Phase IV Price Ruling 1973—2]

PHASE IV PRICE RULINGS

Prompt and Obsolete Steel Scrap Materials

Facts. Firm A sells both prompt and obsolete steel scrap materials. Prompt ferrous scrap materials result from the process of manufacturing or fabricating some other steel product. Obsolete steel scrap is derived from products that are no longer useful or from the demolition or dismemberment of existing structures, vehicles, etc. Firm A cuts up some of the obsolete scrap before it is sold in order to make it more manageable for shipping purposes. A firm asserts that the sale of its scrap is exempt from the Phase IV price controls under 6 CFR 150.54(e) which exempts damaged or used products.

Issue. Under what circumstances are sales of prompt and obsolete scrap materials subject to the provisions of Part 150 of the Cost of Living Council Regulations?

Ruling. Section 150.54(e) states that "the prices charged for damaged or used products other than products which have been rebuilt, repackaged, baled, reassembled, or otherwise processed are exempt." Prompt ferrous scrap is an industrial by-product rather than a used or damaged good and, therefore, is not exempt as a damaged or used product. Obsolete steel scrap which has not been reprocessed or otherwise basically altered is intrinsically a damaged or used product and, therefore, qualifies for the exemption in § 150.54(e).

However, if obsolete scrap is treated or processed it will lose its exempt status. The cutting of obsolete scrap to make it more manageable for shipping purposes is not considered processing under § 150.-54(e) if the cutting does not change the characteristics of the product or its potential reuse. For example, the cutting in half of used railroad rails, steel beams, and long pipes will not change their exempt status because they still may be used for their original intended purpose. On the other hand, the cutting up of such items as railroad cars, ships and trucks is considered processing because it changes the characteristics of the product and its potential reuse.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

OCTOBER 30, 1973.

[FR Doc.73-23358 Filed 10-30-73;10:43 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

Bona Fide Spot Markets

Statement of consideration. The revision of § 27.93 of the Regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27, Subpart A) hereinafter set forth removes Little Rock, Arkansas from the list of bona fide spot markets. Cotton is no longer traded in such volume and under such conditions in the Little Rock, Arkansas market as needed to reflect accurately the value of spot cotton according to information available to the Department. The Little Rock Cotton Exchange has requested the Department to remove the Little Rock, Arkansas market from the list of bona fide spot markets effective November 1, 1973.

Accordingly, pursuant to authority contained in the cotton futures provisions in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863) section 27.93 of the regulations governing cotton classification (7 CFR 27.93) under such provision is hereby revised to read as follows:

§ 27.93 Bona fide spot markets.

The following markets have been determined, after investigation, and are

hereby designated to be bona fide spot markets within the meaning of the act:

Atlanta, Ga.
Augusta, Ga.
Dallas, Tex.
Fresno, Calif.
Greenville, S.C.
Greenwood, Miss.
Houston, Tex.
Lubbock, Tex.
Memphis, Tenn.
Montgomery, Ala.
Phoenix, Ariz.

(Secs. 4862 and 4863, 68A Stat. 581, 582; 26 U.S.C. 4862, 4863.)

Inasmuch as the Little Rock Cotton Exchange requested this revision to be effective on November 1, 1973, and inasmuch as it will impose no hardship or advance preparation on the part of the industry it is found that pursuant to the administrative procedure provisions of 5 U.S.C. 553 notice and other public rule making procedures are impracticable and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This revision shall become effective November 1, 1973.

Dated: October 26, 1973.

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

[FR Doc.73-23350 Filed 10-30-73;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 11]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Definition of School

The purpose of this amendment to the regulations governing the Special Milk Program for Children (7 CFR Part 215) is to revise the definition of "school" and the uniform rate of reimbursement for all participating schools and institutions which have pricing programs. The effect of this amendment will be to cancel the provisions of Part 215 of the regulations which were added by amendment 9 and to reinstate the previous provisions. This action is taken in view of the funding level provided by Public Law 93-135 of funds to carry out the Special Milk Program for Children.

Since increased funds are now available and it is desirable to make this change as soon as possible, it is impracticable and unnecessary to follow the proposed rule making and public participation procedure.

Accordingly, the Special Milk Program for Children regulations are amended as follows:

1. In § 215.2 paragraph (v) is amended to read as follows:

§ 215.2 Definitions.

* * * * *

(v) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as recognized under the laws of the State. "School of high school grade or under" shall include preschool programs operated as part of the school system. The term "school" also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

* * * * *

2. In § 215.8 paragraphs (a) and (b) are revised to read as follows:

§ 215.8 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program or the first half pint of milk served as part of a reimbursed breakfast under the School Breakfast Program.

(b) In pricing programs, the maximum rate of reimbursement shall be 4 cents per half pint in schools that serve Type A lunches under the National School Lunch Program and in schools that serve breakfasts under the School Breakfast Program. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State agency, or FNSRO where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no case shall distribution costs be allowed above 1½ cents per half pint. When milk is purchased at more than one price, the price to the child shall be based on the lowest cost milk.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services.)

Effective date. This amendment shall be effective November 1, 1973.

Dated October 30, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-23337 Filed 10-31-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 297]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 2-8, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.597 Navel Orange Regulation 297.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges has not yet been established, because of insufficient shipments.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 30, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 2, 1973, through November 8, 1973, are hereby fixed as follows:

(i) District 1: 302,247 cartons;

(ii) District 2: Unlimited Movement;

(iii) District 3: Unlimited Movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated October 31, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-23467 Filed 10-31-73;11:43 am]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment

This document authorizes $82,445 of Control Committee expenses for the 1973–74 fiscal period and the assessment rate of $0.015 per standard western pear box of pears, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses.

On September 24, 1973, notice of rule making was published in the FEDERAL REGISTER (38 FR 26615) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1973, through June 30, 1974, pursuant to the amended marketing agreement and Order No. 927 (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 15 days during which interested persons could submit written data, views, or arguments in connection with said proposal. None were received.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 927.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1973, through June 30, 1974, will amount to $82,445.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 927.41, is fixed at $0.015 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh pears are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1973, and the rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: October 29, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-23327 Filed 10-31-73;8:45 am]

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for the 1973–74 Fiscal Year

Notice was published in the October 12, 1973, issue of the FEDERAL REGISTER (38 FR 28296) regarding a proposal to establish, for the 1973–74 fiscal year, free and restricted percentages of 65 percent and 35 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposal was unanimously recommended by the Filbert Control Board under § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), hereinafter referred to as the "order", regulating the handling of filberts grown in Oregon and Washington. The order is under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The proposed percentages are based upon the following estimates by the Filbert Control Board for the 1973–74 fiscal year:

	Tons
Inshell supply:	
(1) Total production	11,500
(2) Less small sizes, etc.	1,725
(3) Total merchantable production	9,775
(4) Carryover August 1, 1973 subject to regulation	27
(5) Total merchantable supply (Item 3 plus Item 4)	9,802
Inshell requirements:	
(6) Trade demand	6,200
(7) Carryover July 31, 1974	1,000
(8) Total	7,200
(9) Less carryover August 1, 1973, not subject to regulation	809
(10) Inshell requirements	6,391
Percentages:	
(11) Free percentage (item 10 divided by item 5): 65.	
(12) Restricted percentage (100 percent minus 65 percent): 35	

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is found that to establish free and restricted percentages applicable to filberts grown in Oregon and Washington, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time

of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during that fiscal year; and (2) the current fiscal year began on August 1, 1973, and the percentages established by this action will automatically apply to all such filberts beginning with such date.

Therefore, the free and restricted percentages for merchantable filberts during the 1973–74 fiscal year are established as follows:

§ 982.223 Free and restricted percentages for merchantable filberts during the 1973–74 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1973:

Free percentage	65
Restricted percentage	35

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

Dated October 26, 1973.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.73-23279 Filed 10-31-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FHA Instructions 449.1 and 449.3]

PART 1843—FARMER LOANS

Clarification Amendments

Part 1843, Title 7, Code of Federal Regulations (38 FR 29051) is amended. The changes are as follows:

1. Section 1843.3 is revised for clarification and to provide additional information about interest subsidy rates and payments.

2. A new § 1843.5 is added to prescribe the form for requesting issuance of a contract of guarantee.

3. As a result of the addition of § 1843.5 the table of contents is revised to provide that §§ 1843.6–1843.9 are reserved.

In accordance with 5 U.S.C. 553 these amendments are not published for notice of proposed rule making inasmuch as they only clarify existing agency procedures. Therefore, these amendments are effective November 1, 1973.

1. As amended, § 1843.3 reads as follows:

§ 1843.3 Interest subsidy rates and payments.

(a) *Interest subsidy rates.* Interest subsidy rates, if any, on guaranteed loans will be established by FHA periodically. Thus, the subsidy rate for the same loan may vary from time to time. However, the interest subsidy rate in effect at the time the Contract of Guarantee is executed will remain constant during the period covered by the intial guarantee fee payment, and the interest subsidy rate in effect at the time any subsequent guarantee fee falls due will remain constant during the period covered by the subsequent guarantee fee, provided in each instance the guarantee fee is paid in accordance with the requirements of 7 CFR 1841.30, 1841.31, and 1841.32. The subsidy rate for each type of loan will be a rate equal to the difference, if any, between the interest rate charged to the borrower and the lesser of the following rates (if they are higher than the rate to the borrower):

(1) *Local interest rate.* The current per annum interest rate being charged to borrowers obtaining loans for like purposes and periods of time in the borrower's area without an FHA Contract of Guarantee, or

(2) *FHA interest rate.* The current per annum interest rate announced by FHA.

(b) *Information on rates.* Lenders or holders can ascertain the method of determining the subsidy rates in effect at any particular time by calling any FHA office or by consulting the notice section of the FEDERAL REGISTER.

(c) *Semi-annual interest subsidy payments.* The interest subsidy payments will be made semiannually beginning 6 months after the issuance of the Contract of Guarantee and will continue as long as the Contract of Guarantee is in effect, unless by agreement between the lender or holder and FHA a different payment date is arranged. The interest subsidy payments will be based on the outstanding principal balance on the guaranteed loan promissory note (or assumption agreement). After receipt of a proper Holders Guarantee Fee Report and Interest Subsidy Claim, a Treasury check will be sent to the holder for the amount of the interest subsidy payment owed for the preceding 6-month period.

2. As amended, § 1843.5 reads as follows:

§ 1843.5 Request for contract of guarantee.

This request will be made on Form FHA 449–21, "Request for Contract of Guarantee."

§§ 1843.6–1843.9 [Reserved]

(U.S.C. 1989; delegation of authority by Secretary of Agriculture (7 CFR 2.23); delegation of authority by Assistant Secretary for Rural Development (7 CFR 2.70))

Dated October 26, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.73-23275 Filed 10-31-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

This amendment excludes a portion of Davidson County in Tennessee from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Pursuant to provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, the Act of May 29, 1884, as amended, and the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended]

In § 82.3(a)(3) relating to the State of Tennessee, subdivision (i) relating to Davidson County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f, 37 FR 28464, 28477, 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on October 26, 1973.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of October 1973.

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

[FR Doc.73-23278 Filed 10-31-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-1602]

PART 531—STATEMENTS OF POLICY

Policy on Certificate Account Maturities

OCTOBER 25, 1973.

The Federal Home Loan Bank Board considers it desirable to revise its statement of policy concerning distribution of maturities of certificate accounts of 1 year or more contained in § 531.7 of the

Regulations for the Federal Home Loan Bank System (12 CFR 531.7).

Section 531.7 is revised in order to clarify its meaning and to remove certain portions of it which are no longer appropriate. In particular the last sentence of paragraph (b) of § 531.7 is revised in order to clarify the method of computing the maximum amount of certificate accounts of 1 year or more which member institutions should have maturing in any month. The last sentence had provided, in part, that "member institutions should avoid maturities in any month which already has maturities of certificate accounts in excess of 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts".

Under revised paragraph (b) of § 31.7, each member institution should avoid issuing or renewing a certificate account of 1 year or more if, as a result of such issuance or renewal, the total of the institution's certificate accounts of 1 year or more maturing in a particular month would exceed 5 percent of this institution's total savings accounts. The 5 percent ratio is computed by dividing the total outstanding certificate accounts of 1 year or more maturing in the particular month (including the one just being issued or renewed) by the institution's total savings accounts as of the end of the month immediately before such issuance or renewal. Under this method of computation, the institution is able to more accurately determine whether it has reached the 5 percent maximum. This new method of computation is preferable because under the previous rule a member institution could find that its certificate accounts of 1 year or more exceeded the limitation due to events beyond its control such as unusually large savings withdrawals.

Accordingly, the Board hereby revises said § 531.7 to read as set forth below.

§ 531.7 Distribution of maturities of certificate accounts of 1 year or more.

(a) This is a statement of the Federal Home Loan Bank Board's policy concerning distribution of maturities of certificate accounts of 1 year or more. In conducting examinations of member institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation, the Board's examiners will review the maturity structure of each institution's certificate accounts. Supervisory comment will be made if the institution has an undue "bunching" of maturities of certificate accounts of 1 year or more.

(b) Each member institution should avoid issuing or renewing a certificate account of 1 year or more if, as a result of such issuance or renewal, the total of the institution's certificate accounts of 1 year or more maturing in a particular month would exceed 5 percent of the institution's total savings accounts. In computing the 5 percent ratio, the denominator shall be the institution's total savings as of the end of the month preceding such issuance or renewal and the numerator shall be the total certificate accounts of 1 year or more outstanding after such issuance or renewal and maturing in the particular month.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by sec. 2(b), 83 Stat. 371, as amended by sec. 4, Public Law 93-100, August 16, 1973; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-23298 Filed 10-31-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SW-2]

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

Delayed Effective Dates

On August 27, 1973, FR Doc. No. 73-18020 was published in the FEDERAL REGISTER (38 FR 22888) amending the effective date of deletion of the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone; designation of the Dallas-Fort Worth, Tex. (Regional Airport), control zone; and alteration of the Dallas, Tex. (Love Field), (NAS Dallas), (Redbird Airport), and (Addison Airport), control zones from September 30, 1973, to October 28, 1973. Subsequent to publication of the revised effective date, opening of the new Dallas-Fort Worth Regional Airport has been delayed until January 13, 1974. This will delay the effective date of the amendments to Part 71 of the Federal Aviation Regulations. Action is taken herein to amend the effective date.

Since this amendment will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, FEDERAL REGISTER Document 73-18020 is amended to change the effective date of Airspace Docket No. 73-SW-2 from 0901 G.m.t., October 28, 1973, to 0901 G.m.t., January 13, 1974.

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

Issued in Fort Worth, Tex., on October 18, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-23250 Filed 10-31-73;8:45 am]

[Docket No. 13285, Amdt. No. 888]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective December 13, 1973:

Clarksville, Tenn.—Outlaw Field, VOR Runway 34, Amdt. 6.
Dubuque, Iowa—Dubuque Municipal Airport, VOR Runway 13, Amdt. 4.
Dubuque, Iowa—Dubuque Municipal Airport, VOR Runway 31, Amdt. 6.
Gillette, Wyo.—Gillette-Campbell County Airport, VOR Runway 15, Amdt. 1.
Hibbing, Minn.—Chisholm-Hibbing Airport, VOR Runway 13, Amdt. 6.
Hibbing, Minn.—Chisholm-Hibbing Airport, VOR Runway 31, Amdt. 10.
Hobbs, N.M.—Lea County (Hobbs) Airport, VOR Runway 3, Amdt. 13.
Laurel, Miss.—Laurel Municipal Airport, VOR Runway 13, Amdt. 7.
West Bend, Wis.—West Bend Municipal Airport, VOR Runway 31, Amdt. 2.

* * * effective November 15, 1973:

Huron, S.D.—W. W. Howes Municipal Airport, VOR Runway 12, Amdt. 13.

* * * effective November 8, 1973:

Seattle, Wash.—Seattle-Tacoma Int'l Airport, VOR Runway 16L/R, Amdt. 5.

Winchester, Va.—Winchester Municipal Airport, VOR-A, Amdt. 3.
Winchester, Va.—Winchester Municipal Airport, VOR/DME-B, Orig.

* * * effective October 25, 1973:

Philadelphia, Pa.—Philadelphia Int'l Airport, VOR/DME Runway 27R, Amdt. 3.

* * * effective October 24, 1973:

Paducah, Ky.—Barkley Airport, VOR Runway 4, Amdt. 9.
Rocky Mount, N.C.—Rocky Mount-Wilson Airport, VOR/DME Runway 22, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective December 13, 1973.

Hibbing, Minn.—Chisholm-Hibbing Airport, LOC (BC) Runway 13, Amdt. 1.

* * * effective November 29, 1973:

Concord, N.H.—Concord Municipal Airport, LOC Runway 35, Orig.

* * * effective November 15, 1973:

Huron, S.D.—W. W. Howes Municipal Airport, LOC Runway 12, Orig.
Huron, S.D.—W. W. Howes Municipal Airport, LOC/DME (BC Runway 30, Amdt. 1.

* * * effective November 8, 1973:

Salisbury, Md.—Salisbury-Wicomico Co. Airport, LOC (BC) Runway 14, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective December 13, 1973.

Bryan, Ohio—Williams County Airport, NDB-A, Amdt. 1.
Dubuque, Iowa—Dubuque Municipal Airport, NDB Runway 31, Amdt. 3.
Emporia, Va.—Emporia Municipal Airport, NDB Runway 33, Amdt. 2.
Mineral Wells, Tex.—Mineral Wells Airport, NDB (ADF) Runway 31, Amdt. 4, Canceled.
West Bend, Wis.—West Bend Municipal Airport, NDB Runway 31, Amdt. 4.

* * * effective November 29, 1973:

Concord, N.H.—Concord Municipal Airport, NDB (ADF)-1, Amdt. 2, Canceled.
Concord, N.H.—Concord Municipal Airport, NDB Runway 35, Orig.

* * * effective November 15, 1973:

Huron, S.D.—W. W. Howes Municipal Airport, NDB Runway 12, Amdt. 13.

* * * effective October 24, 1973:

Paducah, Ky.—Barkley Airport, NDB Runway 4, Amdt. 5.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective December 13, 1973:

Dubuque, Iowa—Dubuque Municipal Airport, ILS Runway 31, Amdt. 4.
Hibbing, Minn.—Chisholm-Hibbing Airport, ILS Runway 31, Amdt. 3.

* * * effective November 15, 1973:

Huron, S.D.—W. W. Howes Municipal Airport, ILS Runway 12, Amdt. 14, Canceled.

* * * effective October 24, 1973:

Paducah, Ky.—Barkley Airport, ILS Runway 4, Amdt. 1.
Rocky Mount, N.C.—Rocky Mount-Wilson Airport, ILS Runway 4, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective October 19, 1973:

Orlando, Fla.—McCoy AFB, RADAR-1, Amdt. 1, Canceled.

6. Section 97.33 is amended by orginating, amending, or canceling the following RNAV SIAP's, effective December 13, 1973:

Stockton, Calif.—Stockton Metropolitan Airport, RNAV Runway 29R, Amdt. 1.
West Bend, Wis.—West Bend Municipal Airport, RNAV Runway 13, Orig.

* * * effective December 6, 1973:

Oklahoma City, Okla.—Will Rogers World Airport, RNAV Runway 12, Amdt. 2.
Oklahoma City, Okla.—Will Rogers World Airport, RNAV Runway 17L, Amdt. 2.

* * * effective October 17, 1973:

Buffalo, N.Y.—Greater Buffalo International Airport, RNAV Runway 32, Amdt. 3.

Correction. In Docket No. 13268, Amendment No. 887, to Part 97 of the Federal Aviation Regulations, published in the Federal Register under Section 97.27, effective December 6, 1973, cancel procedure under Yakataga, Alas.—Yakataga Arpt., NDB-A, Original.

(Secs. 307, 313, 601, 1110, Federal Aviation Act, 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on October 25, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969 (35 FR 5610).

[FR Doc.73-23252 Filed 10-31-73;8:45 am]

[Docket No. 12574, Amdt. No. 103-19]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Magnetized Materials

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to correct the inadvertent inclusion of magnetized materials in an amendment to Part 103. This amendment would expressly exclude magnetized materials from those that are required to be located in any passenger-carrying aircraft in a place that is inaccessible to persons other than crewmembers.

Amendment 103-17 (published in 38 FR 17831, July 5, 1973) added a new paragraph (f) to § 103.31 of the Federal Aviation Regulations, prohibiting the carriage of any articles subject to the requirements of Part 103 on passenger-carrying aircraft unless those articles are inaccessible in the aircraft to persons other than crewmembers. It was intended that the requirements of new § 103.31(f) be limited to dangerous articles; however, as adopted, the section was made applicable to magnetized materials as well. The applicability of § 103.31 (f) to magnetized materials imposes an unnecessary and unintended restriction, since they are not dangerous articles and their proximity to persons aboard the aircraft is not a safety factor. Magnetized materials were first provided for in the Civil Air Regulations by an amendment to Part 49 which then contained the regulations dealing with the transportation of explosives and other dangerous articles (Amendment No. 49-3; 27 FR 5393; June 1, 1962). The preamble to that amendment explained that magnets and magetic devices can adversely influence the accuracy of magnetic compasses unless they are properly packed and kept at a safe distance from the aircraft's compass. The FAA believes that the current §§ 103.29 and 103.31(d) are adequate to ensure the safe operation of aircraft carrying magnetized materials.

Accordingly, the FAA has determined that an amendment excluding magnetized materials from the applicability of § 103.31(f) is appropriate and will not adversely affect safety.

Since this amendment removes an unnecessary and unintended restriction, I find that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective on less than 30 days' notice.

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

In consideration of the foregoing, § 103.31(f) of the Federal Aviation Regulations is amended, effective November 1, 1973, to read as follows:

§ 103.31 Cargo location.

* * * * *

(f) No person may carry an article subject to the requirements of this part that is acceptable for carriage in passenger-carrying aircraft, other than magnetized materials, unless it is located in the aircraft in a place that is inaccessible to persons other than crewmembers.

Issued in Washington, D.C., on October 24, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-23251 Filed 10-31-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER D—TRADE REGULATION RULES

PART 429—COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

"Notice of Cancellation"

On October 26, 1972, the Federal Trade Commission published at 37 FR 22933 the Trade Regulation Rule relating to a cooling-off period for door-to-door sales. The Commission believes that it is in the public interest to modify some of the language used in the original rule and hereby publishes the amended provision of the rule. The Commission has determined that it is unnecessary for it to

publish notice of proposed rulemaking and to receive comments on this modification in accordance with 5 U.S.C. section 553 (b) and (c), or to delay the effective date of the rule for 30 days in accordance with 5 U.S.C. section 553(d), because it finds that the modified provision constitutes merely an editorial change in the language of the rule and is not intended to create, alter or revoke any substantive rights or duties provided by the original language of the rule.

Set forth below is the full text of revised paragraph (b) of § 429.1, The Rule, in which only the fourth paragraph of the "Notice of Cancellation" is hereby amended:

§ 429.1 The Rule.

* * * * *

(b) Fail to furnish each buyer, at the time he signs the door-to-door sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[enter date of transaction]

(Date)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PEFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO [Name of seller], AT [address of seller's place of business] NOT LATER THAN MIDNIGHT OF ----------

(date)

I HEREBY CANCEL THIS TRANSACTION.

(Date)

(Buyer's signature)

Effective: November 1, 1973.

By the Commission.

Issued: October 29, 1973.

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

[FR Doc.73-23292 Filed 10-31-73;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

Revision and Transfer

Correction

In FR Doc. 73-20429, appearing at page 27012 in the issue for Thursday September 27, 1973, make the following changes:

1. In § 1500.3(b)(10), the phrase which begins in the the 9th line and ends in the 12th line reading "and 'combustible' shall apply to any substance which has a flash-mined by the Tagliabue Open Cup Tester;" should be deleted.

2. In § 1500.3(b)(14)(ii), the reference to "paragraph (b)(15)(i)" should read "paragraph (b)(14)(i)".

3. In § 1500.3(c)(3) the word "or" in the 15th line should read "of".

4. In § 1500.4(a)(3), in the last line, insert the word "other" between the words "or" and "similar".

5. In § 1500.42(a)(2), second sentence, the words "hand silt-lamp" should read "hand slit-lamp".

6. In § 1500.46, third sentence, the words "(brine of glycol" should read "(brine or glycol".

7. In § 1500.84(a)(1), in fourth line, the words "shipment or delivery into interstate" should read "lishment where the hazardous substance".

8. In § 1500.127(a), in the penultimate line, insert a close parenthesis (")") between the words "name" and "for".

9. In § 1505.6(g)(2)(v), the words "see paragraphs (g) (i), (ii), (iii) and (vii) of this paragraph" should read "see paragraph (g)(2) (i), (ii), (iii) and (vii) of this section".

10. In § 1505.6(g)(5)(ii), the sixth line now situated under the footnote entry should be positioned above the footnote entry.

Title 25—Indians

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

PART 221—OPERATION AND MAINTENANCE CHARGES

Salt River Indian Irrigation Project, Arizona

On page 26729 of the FEDERAL REGISTER of September 25, 1973, there was published a notice of intention to amend §§ 221.120, 221.121, and 221.123, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessment against the lands of the Salt River Indian Irrigation Project in Arizona, with the annual date of payment, and rate for excess water.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revisions. No comments, suggestions, nor objections have been received, and the proposed revisions are hereby adopted without change as set forth below.

Sections 221.120, 221.121, and 221.123 are revised to read as follows:

§ 221.120 Basic assessment.

The basic operation and maintenance assessment against the lands under the Salt River Indian Irrigation Project in Arizona to which water can be delivered through the irrigation project works is hereby fixed at $9.60 per acre for the year 1974 and subsequent years until further notice. The payment of the per-acre assessment shall entitle the land for which payment is made to receive three acre-feet of water per annum, or such lesser amount as represents the proportionate share of the available supply of water.

§ 221.121 Payment.

The annual basic charge fixed in § 221.120 shall be due and payable on or before February 1, 1974, and on February 1 of each year thereafter until further notice. Charges not paid on the due date shall stand as a first lien against the lands until paid.

§ 221.123 Excess water.

Additional water in excess of the basic apportionment of three acre-feet per acre per annum, may be purchased if and when the water is available at the rate of $9.50 per acre-foot or fraction thereof, measured at the farm delivery point. Payment shall be made in advance of delivery.

JOHN ARTICHOKER, *Area Director.*

[FR Doc.73-23281 Filed 10-31-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Service-Connected Burial Benefit; Plot or Interment Allowance

On page 22561 of the FEDERAL REGISTER of August 22, 1973, there was published a

notice of proposed regulatory development to provide for the plot or interment allowance and the service-connected death burial benefit and to specify the right to burial in a national cemetery as a benefit which will be forfeited upon conviction of certain subversive activities enumerated in 38 U.S.C. 3505. These regulations implement the provisions of Public Law 93-43 (87 Stat. 75). Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations.

Pursuant to such notice, written comments were received from three interested parties. Two comments were in the nature of inquiries. The other proposed delaying promulgation of the changes pertaining to the plot or interment allowance. It was determined that such delay would not be appropriate. Therefore the proposed regulations are hereby adopted without change and are set forth below.

Effective date. This revision is effective August 1, 1973, except §§ 3.903 and 3.904 which are effective June 18, 1973 and § 3.1600(a) which is effective September 1, 1973.

Approved: October 18, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In § 3.903, paragraph (b)(1) is amended to read as follows:

§ 3.903 Subversive activities.

* * * * *

(b) *Effect on claim.*—(1) Any person who is convicted after September 1, 1959, of subversive activities shall from and after the date of commission of such offense have no right to gratuitous benefits (including the right to burial in a national cemetery) under laws administered by the Veterans Administration based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such person.

* * * * *

2. In § 3.904, paragraph (b) and (c) are amended to read as follows:

§ 3.904 Effect of forfeiture after veteran's death.

* * * * *

(b) *Treasonable acts.*—Death benefits may be authorized as provided in paragraph (a) of this section where forfeiture by reason of a treasonable act was declared before September 2, 1959. Otherwise, no award of gratuitous benefits (including the right to burial in a national cemetery) may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture (38 U.S.C. 3504(c)).

(c) *Subversive activities.*—Where the veteran was convicted of subversive activities after September 1, 1959, no award of gratuitous benefits (including the right to burial in a national cemetery) may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture unless the veteran had been granted a pardon of the offense by the President of the United States. If pardoned, his surviving dependents upon proper application may be paid pension, compensation or dependency and indemnity compensation, if otherwise eligible, and be restored to a right to burial in a national cemetery (38 U.S.C. 3505(a)).

3. In § 3.1600, paragraphs (a) and (b) (4) are amended and paragraph (f) is added to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

* * * * *

(a) *Wartime veterans.*—When a veteran of any war dies, an amount not to exceed $250 ($800 if he dies of a service-connected disability) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125 or $400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920 (38 U.S.C. 902; 907; 107(a); Public Law 93-43, 87 Stat. 75).

(b) *Peacetime veterans.*—The statutory burial allowance authorized by paragraph (a) of this section is payable based on service of a veteran rendered during other than a war period:

* * * * *

(4) If he dies of a service-connected disability (38 U.S.C. 902).

* * * * *

(f) *Plot or interment allowance.*—Where a veteran dies for whom eligibility for the burial allowance under this section is warranted and is not buried in a national cemetery or other cemetery under the jurisdiction of the United States (except where the higher rate of burial allowance is payable because of service-connected death), there may be paid an additional amount not to exceed $150 (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $75), as a plot or interment allowance for expenses actually incurred. The allowance will be payable to the person or entity who incurred the expenses (38 U.S.C. 903(b); Public Law 93-43, 87 Stat. 75).

4. Section 3.1601 is revised to read as follows:

§ 3.1601 Claims and evidence.

(a) *Claims.*—Claims for reimbursement or direct payment of burial and funeral expenses, transportation of the body, and plot or interment allowance, must be received by the Veterans' Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of his discharge from service, but after his death his discharge has been corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from date of correction of the discharge. (38 U.S.C. 904; Public Law 93-43, 87 Stat. 75).

(1) Claims for burial allowance may be executed by:

(i) The funeral director, if entire bill or any balance is unpaid (if unpaid bill is under $250 only amount of unpaid balance will be payable to the funeral director); or

(ii) The individual whose personal funds were used to pay burial, funeral, and transportation expenses; or

(iii) The executor or administrator of the estate of the veteran or the estate of the person who paid the expenses of the veteran's burial or provided such services. If no executor or administrator has been appointed then by some person acting for such estate who will make distribution of the burial allowance to the person or persons entitled under the laws governing the distribution of interstate estates in the State of the decedent's personal domicile.

(2) Claims for the plot or interment allowance may be executed by:

(i) The funeral director, if he provided the plot or interment services, or advanced funds to pay for them, and if the entire bill for such or any balance thereof is unpaid (if unpaid balance is less than $150 only the amount of the unpaid balance thereof will be payable to the funeral director); or

(ii) The person(s) whose personal funds were used to defray the cost of the plot or interment expenses; or

(iii) The person or entity from whom the plot was purchased or who provided interment services if the bill for such is unpaid in whole or in part. An unpaid bill for a plot will take precedence in payment of the plot or interment allowance over an unpaid bill for other interment expenses or a claim for reimbursement for such expenses. Any remaining balance of the $150 allowance may then be applied to interment expenses; or

(iv) The executor or administrator of the estate of the veteran or the estate of the person who bore the expense of the plot or interment expenses. If no executor or administrator has been appointed, claim for the plot or interment allowance may be filed as provided in paragraph (a)(1)(iii) of this section for the burial allowance.

(3) For the purposes of the plot and interment allowance "plot" or "burial plot" means the final disposal site of the remains, whether it is a grave, mausoleum vault, columbarium niche, or other similar place. Interment expenses are those costs associated with the final disposition of the remains and are not confined to the acts done within the burial grounds but may include the removal of bodies for burial or interment.

(b) *Supporting evidence.*—Evidence required to complete a claim for the burial allowance and the plot or interment allowance, when payable (including a reopened claim filed within the 2-year period), must be submitted within 1 year from date of the Veterans' Administration's request for such evidence. In addition to the proper claim form, the claimant is required to submit:

(1) *Statement of account.*—Preferably on funeral director's or cemetery owner's billhead showing name of the deceased veteran, the plot or interment costs, and the nature and cost of services rendered, and unpaid balance.

(2) *Receipted bills.*—Must show by whom payment was made and show receipt by a person acting for the funeral director or cemetery owner.

(3) *Proof of death.*—In accordance with § 3.211.

(4) *Waivers from all other distributees.*—Where expenses of a veteran's burial, funeral, plot, interment and transportation were paid from funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, payment may be made to one heir upon unconditional written consent of all other heirs.

5. In § 3.1602, paragraphs (a), (b), and (d) are amended to read as follows:

§ 3.1602 Special conditions governing payments.

(a) *Two or more persons expended funds.*—If two or more persons have paid from their personal funds toward the burial, funeral, plot, interment and transportation expenses, the burial and plot or interment allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by him. (See § 3.1601(a)(3).)

(b) *Person who performed services.*—A person who performed burial, funeral, and transportation services or furnished the burial plot will have priority over claims of persons whose personal funds were expended.

* * * * *

(d) *Escheat.*—No payment of burial allowance or plot or interment allowance will be made where it would escheat.

6. Section 3.1603 is revised to read as follows:

§ 3.1603 Unclaimed bodies.

If the body of a deceased veteran is unclaimed, there being no relatives or friends to claim the body, the amount provided for burial and plot or interment allowance will be available for the burial upon receipt of a claim accompanied by a statement showing what efforts were made to locate relatives or friends. The question of escheat of any part of such deceased veteran's estate is not a factor in such a claim. Burial allowance may be authorized for cost of disinterment and reburial of unclaimed remains originally accorded pauper burial but not for initial expenses of a burial in a potter's field. Burial in a prison cemetery is not considered a pauper burial.

7. In § 3.1604, paragraph (c) is added to read as follows:

§ 3.1604 Payments from non-Veterans' Administration sources.

* * * * *

(c) *Payment of plot or interment allowance by public or private organization.*—Where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, only the difference between the total amount of such expenses and the amount paid or assumed by any of these agencies or organizations, not to exceed $150, will be authorized.

8. In § 3.1605, the introductory portion preceding paragraph (a), paragraph (a), and the introductory portion of paragraph (b) are amended to read as follows:

§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.

An amount may be paid not to exceed the amount payable under § 3.1600 for the funeral, burial, plot, or interment expenses of a person who dies while in a hospital, domiciliary, or nursing home to which he was properly admitted under authority of the Veterans' Administration. In addition, the cost of transporting the body to the place of burial may be authorized. The amount payable under this section is subject to the limitations set forth in paragraph (b) of this section, and §§ 3.1604 and 3.1606.

(a) *Death enroute.*—When a veteran while traveling under proper prior authorization and at Veterans' Administration expense to or from a specified place for the purpose of:

(1) Examination; or
(2) Treatment; or
(3) Care

dies enroute, burial, funeral, plot, interment, and transportation expenses will be allowed as though death occurred while properly hospitalized by the Veterans' Administration. Hospitalization in the Philippines under 38 U.S.C. 631, 632, and 633 does not meet the requirements of this section.

(b) *Transportation.*—Except for retired persons hospitalized under section 5 of Executive Order 10122 (15 FR 2173; 3 CFR 1950 Supp.) issued pursuant to Public Law 351, 81st Congress, and not as Veterans' Administration beneficiaries, the cost of transportation of the body to the place of burial in addition to the burial and plot or interment allowance will be provided by the Veterans' Administration where death occurs:

* * * * *

9. Section 3.1609 is revised to read as follows:

§ 3.1609 Forfeiture.

(a) Forfeiture of benefits for fraud by a veteran during his lifetime will not preclude payment of burial and plot or interment allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran (38 U.S.C. 3503(c)).

(b) Burial and plot or interment allowance is not payable based on a period of service commencing prior to the date of commission of the offense where either the veteran or claimant has forfeited the right to gratuitous benefits under § 3.902 or § 3.903 by reason of a treasonable act or subversive activities, unless the offense was pardoned by the President of the United States prior to the date of the veteran's death (38 U.S.C. 3504(c)(2), 3505(a)).

[FR Doc.73-23285 Filed 10-31-73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 72-7; Notice 3]

PART 567—CERTIFICATION

PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

Certification and Labeling of Altered Vehicles; Response to Petitions for Reconsideration

This notice responds to petitions for reconsideration of the amendment to NHTSA Certification and Vehicles Manufactured in Two or More Stages regulations (49 CFR Parts 567, 568) published June 19, 1973 (38 FR 15961). The amendment specified requirements for the certification and labeling of altered vehicles. Two petitions for reconsideration, one from the Recreational Vehicle Institute (RVI) and the other from the Ford Motor Company, were received. For the following reasons, each of the petitions is denied.

The RVI petitioned that manufacturers of complete vehicles altered to become motor homes be required under the regulation to provide to alterers, when requested by them, data similar to that furnished by incomplete vehicle manufacturers to final-stage manufacturers under Part 568. This information, RVI argues, would provide guidance for alterers in maintaining conformity to applicable motor vehicle safety standards. RVI further petitioned that alterers be authorized to utilize the vehicle's certification label in ascertaining compliance with applicable standards, and that the regulations be amended to specifically refer to "dealers" in those cases where that group is subject to requirements.

The NHTSA considers that its conclusions regarding RVI's first request, which was first made in RVI's comments

to the proposed rule (37 FR 22800; October 25, 1972), are still valid. The preamble to the final rule stated that this agency considers it unreasonable to require manufacturers of completed, certified vehicles to provide persons who alter vehicles with the type of information requested. The alterer situation is entirely different from one involving incomplete vehicles in that the latter, unlike complete vehicles, are marketed with the intent that they will be completed by other persons. This intent justifies the requirement to furnish special, additional conformity information, and is a necessary part of the regulatory scheme. However, the certification of the completed vehicle—that is, a statement that it conforms to all applicable standards—itself would satisfy the requirements of Part 568, so the request that complete vehicle manufacturers supply "Part 568" information is essentially meaningless.

RVI's second request, that the regulations be amended to provide that the alterer of a completed vehicle may rely on the vehicle's original certification label in ascertaining conformity of the altered vehicle, is denied as unnecessary. It is a truism that the person who alters a vehicle may rely on the original manufacturer's statement of conformity to the extent that the alterations do not affect the conformity of the vehicle. It is obvious, on the other hand, that the statement of conformity cannot be relied on to the extent that the alterations have affected the vehicle's conformity. The question to be answered by the alterer is the factual one whether the vehicle conforms to the standards as altered by him, and he certainly may use the manufacturer's statement that it conformed as it was delivered to him as conclusive on that point. Only the alterer is in a position to know the extent to which his work has affected the vehicle's performance, and consequently whether additional determinations as to conformity must be made.

RVI's request concerning the use of the word "dealers" is also denied. The phrase "any person," which is used in the regulation, is sufficiently specific to provide the necessary notice to dealers that they may be subject to the requirements.

Ford Motor Company objected to the requirement in the rule that persons who alter vehicles in such a manner that the weight ratings on the original certification label are no longer valid must affix an alterer's label with corrected ratings. Ford argued against the provision both substantively, and on the procedural grounds that that specific provision had not been included in the version of the rule presented in the notice of proposed rulemaking.

On the merits, Ford's objection was that its dealers will have to change labels often in cases where they add optional readily attachable equipment that adds to the weight of the vehicle. Ford's problem apparently arises from a practice (possibly unique to Ford since no other manufacturers objected to the provision in question) of listing as the "gross vehicle weight rating" of its passenger cars the actual unloaded weight of the vehicle as it leaves the assembly line, plus rated passenger and luggage weights. Ford evidently has been assuming that, for the purposes of the certification label, it is not responsible for changes made to its vehicles by its dealers, even the addition of accessories fully authorized by Ford itself. It further argued that the concept of "validity" of the weight rating is not clear.

The NHTSA does not accept this position. Weight ratings are assigned figures, which do not necessarily match the actual weight of the vehicle. The Certification regulations at 49 CFR § 567.4(g)(3) clearly state that the vehicle's GVWR "*shall not be less than* the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the vehicle's designated seating capacity." Where the manufacturer authorizes his dealers to make alterations in his vehicles before sale to a consumer, the manufacturer must take responsibility for the continuing conformity of the vehicle to the safety standards and associated regulations. The concept of validity of the GVWR is not at all unclear. It means that the rating satisfies the quoted formula in § 567.4(g)(3) for the vehicle in question. Similarly, the validity of the gross axle weight rating depends simply on whether the loaded vehicle imposes a heavier weight on the axle than its stated rating. The intent of the regulation and the solution to Ford's problem is, of course, not to have dealers frequently add alteration labels, but for Ford to rate and equip its vehicles at levels sufficient to accommodate the alterations that it authorizes its dealers to make.

Ford's procedural objection is also found to be without merit. This agency has always considered it beyond question that the information on the certification label must correctly describe the vehicle at the time it is sold to a consumer. Indeed, informing the consumer is a primary purpose of the information. In excepting alterers who use only readily attachable items from the requirement of attaching an alteration label, the NHTSA was assuming that these alterations did not affect the validity of the information on the original label. It was pointed out in several comments in response to the proposed rule that this might not always be the case. In adding the language concerning the changing of weight ratings, the NHTSA was really only clarifying its intent with respect to readily attachable items and the necessity to maintain the validity of the label's information.

The NHTSA knows of no statute or legal doctrine suggesting that minor clarifying changes such as this cannot be made to a proposal at the time it is issued as a rule. The Administrative Procedure Act requires in relevant part only that the notice state "either the terms of substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. 553(b)(3). The adjustment of details on the basis of comments received, as this one was, is the essence of notice-and-comment rulemaking.

For these reasons, Ford's petition for reconsideration is denied.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority 49 CFR 1.51).

Issued on October 26, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-23313 Filed 10-31-73;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 THE INTERIOR

Fish and Wildlife Service

OYSTER BAY NATIONAL WILDLIFE REFUGE, NEW YORK

[50 CFR Part 33]

Sport Fishing; Proposed Addition to List of Open Areas

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Bureau of Sport Fisheries and Wildlife by Chapter 2, Part 242 of the Departmental Manual, it is proposed to amend 50 CFR 33 by the addition of Oyster Bay National Wildlife Refuge, New York, to the list of areas open to sport fishing.

It has been determined that sport fishing may be permitted as designated on the above refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, by October 30, 1973.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director.

OCTOBER 18, 1973.

IFR Doc.73-23232 Filed 10-31-73:8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 95]

[Docket No. 13284; Notice No. 73-28]

WESTERN UNITED STATES MOUNTAINOUS AREAS

Proposed Additional Exception

The Federal Aviation Administration is considering amending § 95.15(b) of the Federal Aviation Regulations to add an additional exception to that portion of the Western United States described in § 95.15(a) and designated as a mountainous area under § 95.11. The area that would be added as an exception is in the vicinity of Puget Sound in the Northwest portion of the State of Washington.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments are also solicited with respect to the environmental aspects of the proposals contained in this notice. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 29, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both and after the closing date for comments in the Rules Docket, for examination by interested persons.

Section 95.15(a) presently describes that area of the western continental United States designated under § 95.11 as a mountainous area. Section 95.15(b) presently contains one exception to the area described in § 95.15(a).

The import of an area being designated as a mountainous area is reflected in §§ 91.119, 91.195, 121.657, and 135.91. Section 91.119(a)(2)(i) prescribes in pertinent part, that no person may operate an aircraft under IFR over an area designated as a mountainous area in Part 95 (where no minimum altitudes are prescribed for that area in Parts 95 and 97), unless an altitude of at least 2,000 feet is maintained above the highest obstacle within a horizontal distance of five statute miles from the course to be flown. Sections 91.195(a)(2) and 135.91(a)(2) provide similar requirements for VFR night operations conducted under Subpart D of Part 91 and Part 135, and § 121.657(c) provides, in pertinent part, a similar requirement for night VFR, IFR, and over-the-top operations conducted under Part 121. With respect to those operations not conducted over designated mountainous areas, under §§ 91.119(a)(2)(ii), 91.195(a)(2), 121.657(c), and 135.91(a)(2) the requirements are similar except that a limitation of 1,000 feet is required in place of a limitation of 2,000 feet as is required for areas designated as mountainous areas.

The reasons for designating an area as a mountainous area involves the consideration of—(1) Weather phenomena in the area that are conducive to marked pressure differentials; (2) Bernoull effect; (3) precipitous terrain turbulence; and (4) other factors likely to increase the possibility of altimeter error. However, the Puget Sound area described in this notice is an area of homogenous weather characteristics. In addition, the area has excellent weather reporting facilities, is free of precipitous terrain and those other weather phenomena associated with other designated mountainous areas. The FAA believes that a need exists in this area for additional operational altitudes, and that safety would not be adversely affected if an additional exception were added to § 95.15(b) covering the area described hereinafter. Therefore, it is proposed that an additional exception be added to § 95.15(b) to describe that area. For purposes of this Notice a map is presented following the proposed revision to § 95.15 to illustrate the extent of that area. Finally, the map entitled "Designated Mountainous Terrain", that is presently included in Part 95 would be replaced with a map incorporating the proposed exception.

This amendment is proposed under the authority of sections 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) would be amended as follows:

1. By substituting a map of the designated mountainous terrain of the continental United States to replace the map entitled "Designated Mountainous Terrain" that is presently included in Part 95.

2. By redesignating the present language of § 95.15(b) as (b)(1) and by adding a new subparagraph (2) to § 95.15(b) to read as follows:

§ 95.15 Western United States mountainous areas.

* * * * *

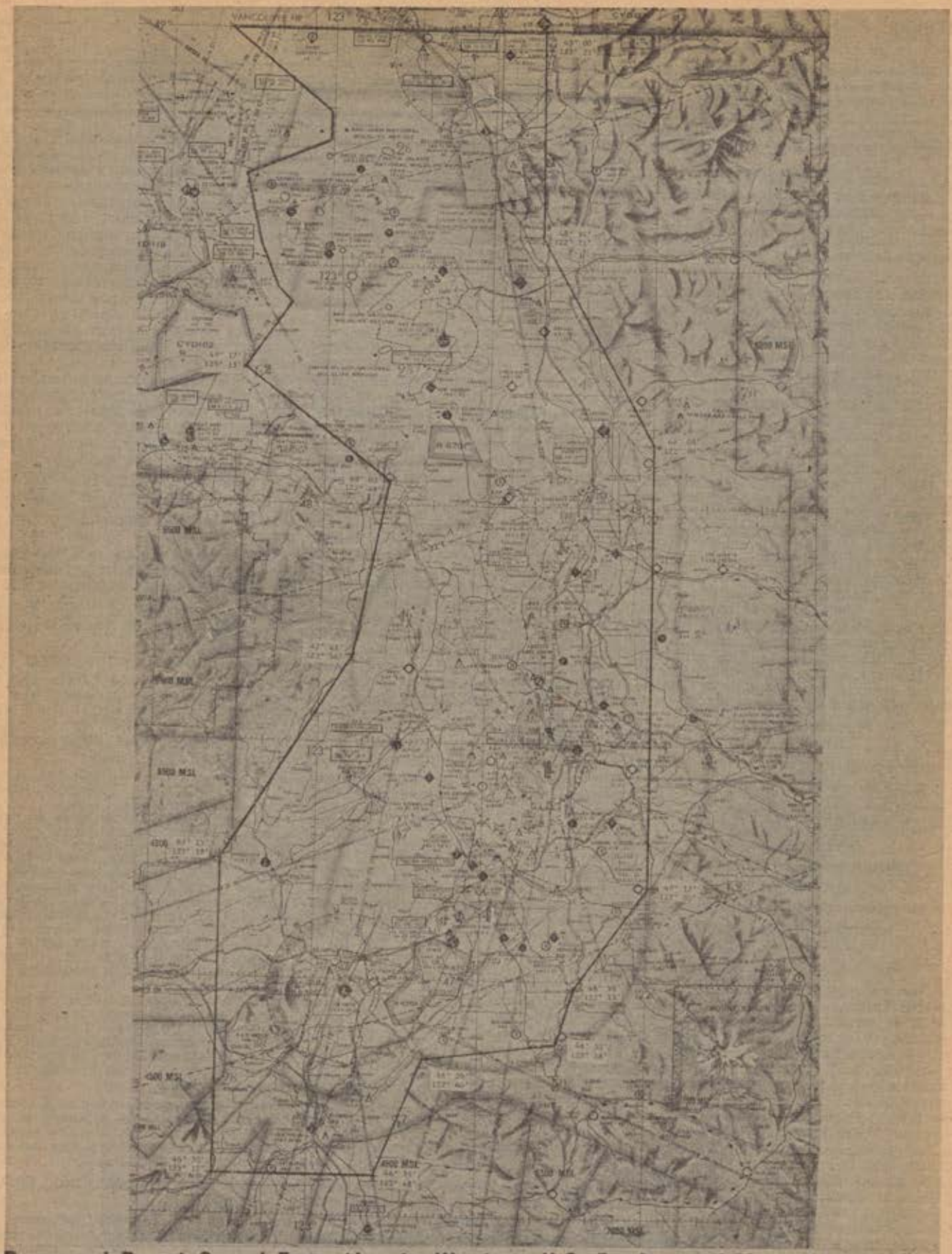
(b) *Exceptions.* (1) * * *

(2) Beginning at latitude 49°00' N., longitude 122°21' W.; thence to latitude 48°34' N., longitude 122°21' W.; thence to latitude 48°08' N., longitude 122°00' W.; thence to latitude 47°12' N., longitude 122°00' W., thence to latitude 46°59' N., longitude 122°13' W.; thence to latitude 46°52' N., longitude 122°16' W.; thence to latitude 46°50' N., longitude 122°40' W.; thence to latitude 46°35' N., longitude 122°48' W.; thence to latitude 46°35' N., longitude 123°17' W.; thence to latitude 47°15' N., longitude 123°17' W.; thence to latitude 47°41' N., longitude 122°54' W.; thence to latitude 48°03' N., longitude 122°48' W.; thence to latitude 48°17' N., longitude 123°15' W.; thence North and East along the United States and Canada boundary to latitude 49°00' N., longitude 122°21' W., point of beginning.

NOTE:—The accompanying map, entitled, "Proposed Puget Sound Exception to Western U.S. Designated Mountainous Area", illustrates the extent of the area described in purposed § 95.15(b)(2).

Issued in Washington, D.C., on October 17, 1973.

JAMES F. RUDOLPH,
Director, Flight Standards Service.



Proposed Puget Sound Exception to Western U.S. Designated Mountainous Area

[FR Doc.73-22982 Filed 10-31-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-68]

[46 CFR Part 511]

UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Notice of Proposed Rulemaking

Pursuant to the authority of the Shipping Act, 1916 (46 U.S.C. 801, et seq.) and section 4 of the Administrative Procedure Act (5 U.S.C. 553), notice is hereby given that the Federal Maritime Commission is considering amending section 511.5 of its General Order No. 5.

On April 19, 1972, the Commission issued Amendment 6 to its General Order No. 5. This amendment, Title 46 CFR, Chapter IV, § 511.5, reads:

For purposes of filing FMC-64 Reports only, the Uniform System of Accounts found in Part 282 of this title is prescribed.

The Maritime Administration (MARAD) has recently issued a proposed revision of Part 282 to Title 46 CFR "Uniform System of Accounts for Maritime Carriers" (MARAD) General Order No. 22) (38 FR 28682; 10-16-73).

It is believed it would be advantageous for the Federal Maritime Commission to recognize revisions of these accounts. Experience indicates that composition of the accounts employed in the execution of this common form should conform to the revision of the "Uniform System of Accounts for Maritime Carriers" in order to provide for accurate and uniform reporting to the FMC.

It is noted that not all carriers filing FMC-64 Reports are subject to Part 282 of Title 46 CFR. As a result, several carriers operating in the domestic offshore trades employ accounting systems unique to themselves.

The comparison and analysis of data submitted by these carriers to data submitted by carriers using the Uniform System of Accounts has been seriously hampered by the lack of specific knowledge regarding the composition of the accounts translated by these carriers into the accounts structure contained in Part 282. As might be expected from large dynamic organizations, the internal accounting structures frequently change so an analysis developed in one year may not safely be assumed to be appropriate for the next year.

The way their data has been evaluated has been to obtain a translation trial balance wherein the carrier unique accounts are recoded to the Uniform System of Accounts. The carrier unique accounts must then be reviewed in detail to ascertain if the information recorded therein is properly translatable into the Uniform System of Accounts account selected. The effort to accomplish reviews of this type is substantial and continuing.

It is considered desirable for the Commission to have a continued current understanding of the nature of the information reported by all of the carriers filing FMC-64 Reports.

In order to develop a regular flow of information regarding the content of accounts and their assembly into reporting formats from carriers to the Commission for those carriers not using the "Uniform System of Accounts for Maritime Carriers", it is not believed to be necessary to impose MARAD General Order 22 recordkeeping requirements on such carriers.

The Commission proposes, however, to amend § 511.5 of Title 46 CFR (Commission General Order 5) to include the following:

When a carrier does not record its accounting data in accordance with Part 282 of this title it shall file annually with the Commission data describing: the information recorded in each of the General Ledger accounts it employs; any changes in such description; new accounts or deleted accounts since the last period reported on; and the Part 282 account number under which it will report the data in the FMC-64 Report.

It recognizes that this solution is not as perfect from the Commission viewpoint as outright uniform accounting, but it considers that individual carrier internal information needs, and existing accounting structures designed to meet those needs, should not be disrupted. The reporting of what is being done on a regular basis does not require any changes in existing accounting and is, therefore, deemed a minimal burden to the carriers involved.

Accordingly, the Commission pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 820 and 841a), proposes a revision of the "Uniform System of Accounts for Maritime Carriers" by amending Title 46 CFR, Chapter IV, § 511.5, in the following respects:

1. The text of existing § 511.5 is designated as paragraph (a).

2. A new paragraph (b) is added to the section reading as follows:

§ 511.5a Form number designations.

(a) * * *

(b)(1) When a carrier does not record its accounting data in accordance with Part 282 of this title it shall file annually with the Commission data describing: the information recorded in each of the General Ledger accounts it employs; any changes in such description; new accounts or deleted accounts since the last period reported on; and the Part 282 account number under which it will report the data in the FMC-64 Report.

(2) Such data shall be filed by March 1 of each year encompassing all changes through December 31 of the preceding year.

Therefore, it is ordered, That notice of this proposed rulemaking be published in the FEDERAL REGISTER; and

It is further ordered, That all interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 30, 1973, an original and 15 copies of their views and arguments pertaining to the proposed rules. All suggestions for changes in the text of said proposed rules should be accompanied by the language thought necessary to accomplish the desired changes and statements and arguments in support thereof. The Commission's Bureau of Hearing Counsel shall participate in the rulemaking proceeding and shall file a reply to said comments on or before December 21, 1973, by serving an original and 15 copies on the Commission and one copy to each party who filed written comments. Answers to Hearing Counsel shall be submitted to the Commission on or before January 11, 1974; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be published in the FEDERAL REGISTER, and in addition be mailed directly to all persons filing comments in accordance with the procedures enumerated above and all other persons who notify the Secretary, Federal Maritime Commission, of their desire to receive such notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-23309 Filed 10-31-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Parts 270, 275]

[Release No. IA-393, IC-8047, File No. 4-149]

EXEMPTIONS FOR CERTAIN INSURANCE COMPANY ACCOUNTS AND ADVISERS

Extension of Comment Period

The Securities and Exchange Commission has received requests for an extension of the due date for comments upon its Proposal to Amend Rule 3c-4 under the Investment Company Act of 1940 (17 CFR 270.3c-4) and Rule 202-1 (17 CFR 275.202-1) under the Investment Advisers Act of 1940 to Condition the Exemptions Afforded by Those Rules for Insurance Company Separate Accounts Issuing Variable Life Insurance Contracts and Their Advisers on a Determination by the Commission that Applicable State Laws or Regulations Provide Protections Substantially Equivalent to Relevant Protections Afforded by the Investment Company Act and the Investment Advisers Act. In view of these requests that the comment period be extended, the Commission has authorized an extension to November 19, 1973 of the due date for submitting comments. The Commission desires a prompt determination with respect to adoption of the proposed rule amendments, but believes that this extension is appropriate and will not result in undue delay. Notice of the proposed rule amendments was published on September 20, 1973 in Investment Company Act Release No. 8000, Investment Advisers Act Release No. 391 and in the FEDERAL REGISTER issue of September 26, 1973, 38 FR 26816.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Senior Recording Secretary.*

OCTOBER 26, 1973.

[FR Doc.73-23326 Filed 10-31-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL ELECTRIFICATION

Guaranteed Loan Program

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a new REA Bulletin 20–22, Guarantee of Loans for Bulk Power Supply Facilities. The purpose of this bulletin is to set forth REA policies and requirements concerning the guaranteeing, under section 306 of the Rural Electrification Act, of loans made by legally organized lending agencies for bulk power supply facilities. On issuance of the new bulletin, Appendix A to Part 1701 will be modified accordingly.

Interested persons may submit written data, views or comments to the Assistant Administrator—Electric, Rural Electrification Administration, Room 4056, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 on or before December 3, 1973. All written submissions made pursuant to this notice will be made available for public inspection by the Office of the Assistant Administrator—Electric.

The text of the proposed REA Bulletin 20–22 is as follows:

REA BULLETIN 20–22

Subject: Guarantee of Loans for Bulk Power Supply Facilities.

I. *Purpose.* The purpose of this bulletin is to set forth Rural Electrification Administration policies and requirements concerning the guaranteeing, under Section 306 of the Rural Electrification Act, as amended, "the RE Act," of loans made by legally organized lending agencies for bulk power supply facilities.

II. *Policy.* A. It is the policy of REA to guarantee loans, in accordance with the provisions of this Bulletin, in order to facilitate the obtaining of financing for bulk power supply facilities from non-REA sources as authorized by Public Law 93–32 approved on May 11, 1973.

B. The Administrator will consider guaranteeing loans for bulk power supply facilities if such loans could have been made by REA in conformity with all REA Bulletins applicable to such loans under the RE Act.

C. Any loan guaranteed will be guaranteed in the full amount thereof. A loan guarantee may be made concurrently with an REA loan made at the standard interest rate of 5 percent for the same project.

D. Loan guarantees will be considered on a case-by-case basis for loans made by the National Rural Utilities Cooperative Finance Corporation or any other legally organized lending agency which the Administrator determines to be qualified to make, hold and service the particular loan.

E. In view of the Government's full faith and credit 100 percent guarantee of the loan, only REA will obtain mortgage security on account of the guaranteed loan.

F. Generally the term of each of the notes evidencing the loan to be guaranteed will not exceed 35 years. Interest will be payable as it accrues and principal will be amortized commencing on a date related to the estimated start of commercial operations.

G. No loan shall be guaranteed if the income from such loan or the income from obligations issued by the holder of such loan is excluded from gross income for the purposes of Chapter I of the Internal Revenue Code of 1954.

III. *Development of guaranteed loan project.* A. REA preloan procedures pertaining to REA loans for bulk power supply facilities will be followed in developing a project to be financed by a loan made by a legally organized lending agency and guaranteed by the Administrator. The borrower will be responsible for developing the application and related documents, including the engineering and economic feasibility studies and the environmental analysis.

B. When REA, having received an application for financial assistance, determines to consider guaranteeing a loan in connection with the proposed project, it will publish a Notice in the FEDERAL REGISTER. The Notice will include a description of the proposed project, the estimated total cost, the estimated amount of the guaranteed loan and the name and address of the borrower from which additional information may be obtained and to which financing proposals may be submitted.

C. The borrower will be responsible for evaluating all proposals and furnishing REA with a report on the evaluations and its choice of proposals.

IV. *Contract of guarantee.* A. If REA is satisfied with the engineering and economic feasibility of the project and approves the borrower's choice of proposal, subject to the submission of a satisfactory lending agreement and other loan documents and to the satisfaction of other pertinent terms and conditions, REA will prepare a contract of guarantee to be executed by the borrower, the lender, and REA within a specified time.

B. The Administrator shall require from the lender, as a prerequisite to the guarantee, certification of the feasibility of the borrower's proposal from economic and engineering viewpoints, based on the lender's independent review of such studies and data as the Administrator may require for his determination to guarantee the loan.

C. The contract of guarantee will require the lender to service the loan. Required servicing will include:

1. Determining that all prerequisites to each advance of loan funds by the lender under the terms of the Lending Agreement, Contract of Guarantee, and related security instruments have been fulfilled. Such terms will include obtaining REA approvals of engineering, equipment and construction contracts, work orders and other documents.

2. Billing and collecting loan payments from the borrower.

3. Reviewing borrower's actions which under the Lending Agreement, the Contract of Guarantee or related security instruments are subject to the lender's review.

4. Notifying the Administrator promptly of any payment in default 30 days and submitting a report, as soon as possible thereafter, setting forth the reasons for the default, how long it is expected the borrower will be in default, what corrective actions are being taken by the borrower to achieve a current debt service position and recommendations for appropriate action.

5. Notifying the Administrator of (a) other violations or defaults by the borrower under the Lending Agreement, Contract of Guarantee, or related security instruments, and (b) conditions of which the lender is aware which might lead to nonpayment, violation or other default; and, if requested by the Administrator, making recommendations to the Administrator as to action for the correction or avoiding of such conditions, including, if appropriate, the exercise of mortgage remedies or other rights of the Administrator.

6. Evaluating the borrower's operating results, financial condition, and proposed budget annually and submitting to REA the results of such evaluation with appropriate recommendations in a form satisfactory to REA.

V. *Payments under the contract of guarantee.* A. Upon receipt of the reports required in paragraph IV. C. 4. above, REA will pay the lender the amount of the installment in default with interest to the date of payment.

B. When REA has made a payment under a contract of guarantee, it will establish in its accounts the amount of the payment as due and payable from the borrower, with interest at the rate of interest specified in the lending agreement.

C. REA will work with the borrower and the lender in an effort to eliminate the borrower's default as soon as possible. REA may also proceed to act under other remedies available under its security instruments.

VI. *Pledging of contract of guarantee.* Subject to applicable law, REA will consider, on a case-by-case basis, permitting pledging of the contract of guarantee in order to facilitate the obtaining of funds by the lending agency to make the guaranteed loan.

Dated: October 31, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-23431 Filed 10-31-73;10:02 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 INTERIOR

Bureau of Land Management

[Notice 40]

ALASKA

Notice of Filing of Protraction Diagram, Anchorage Land District

1. Notice is hereby given that effective November 1, 1973, the following protraction diagrams are officially filed of record, for information only, in the Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska. In accordance with 43 CFR 3101.1–4, these protractions will become the basic record for description of oil and gas lease offers, State Selection applications under 43 CFR 2627, and other authorized uses filed at or subsequent to 10:00 a.m., on December 7, 1963.

ALASKA PROTRACTION DIAGRAM
(UNSURVEYED)

APPROVED SEPTEMBER 14, 1973

SEWARD MERIDIAN

S31–6: Ts. 73–76 S.	Rs. 121–122W.
S31–7: Ts. 72 & 76 S.	Rs. 127–129 W.
S31–8: T. 80 S.	Rs. 133–134 W.
S31–9: Ts. 77–80 S.	Rs. 129–132 W.
S31–10: Ts. 77–80 S.	Rs. 125–128 W.
S31–11: Ts. 77–79 S.	Ts. 121–124 W.
S31–12: Ts. 77–78 S.	Rs. 119–120 W.
S37–1: T. 84 S.	Rs. 259–260 W.
S37–2: Ts. 83–84 S.	Rs. 261–264 W.
S37–3: Ts. 83–84 S.	Rs. 265–266 W.
S37–4: Ts. 85–86 S.	Rs. 265–266 W.
S37–5: T. 85 S.	Rs. 262–264 W.

2. Copies of this diagram are for sale at two dollars ($2) per sheet by the Anchorage Land Office, Bureau of Land Management, mailing address: 555 Cordova Street, Anchorage, Alaska 99501.

Dated: October 24, 1973.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.73-23233 Filed 10-30-73;8:45 am]

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m. November 30, 1973.

COPPER RIVER MERIDIAN, ALASKA

T. 2 S., R. 1 E.
Sec. 1, Lots 1 to 6 inclusive, S½NE¼, S½NW¼NW¼, S½NW¼, E½SW¼, and SE¼;
Sec. 2, Lots 1 to 7 inclusive, S½NE¼NE¼, S½N½, and SW¼;
Sec. 3, Lots 1 to 4 inclusive, S½N½, and S½;
Sec. 10;
Sec. 11, Lots 1 to 6 inclusive, NE¼NW¼, and W½W½;
Sec. 12, Lots 1 to 6 inclusive, E½;
Sec. 13, Lots 1, 2, and 3, E½, E½NW¼, SW¼SW¼, E½SW¼;
Sec. 14, Lots 1 to 9 inclusive, W½SE¼NW¼, W½NE¼SW¼, W½W½;
Sec. 15.

The areas described aggregate 4,778.15 acres.

2. The lands are located along the Richardson Highway approximately 18 miles south of Copper Center, Alaska.

Pippin Lake is located near the center of this survey and the land is generally level except for the northwest portion which lies on the east slope of Willow Mountain.

The area within the survey is generally timbered with black spruce and birch with willow undergrowth.

The soil is sandy loam over clay.

3. The National Resource Lands affected by this order are open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

Dated: October 25, 1973.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.73-23282 Filed 10-31-73;8:45 am]

Bureau of Land Management

[Serial Number A 7712]

ARIZONA

Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Act of June 28, 1934, 48 Stat. 1275, as amended, 43 U.S.C. 315f, and the regulations in 43 CFR 2462, it is proposed to classify the public lands described below for transfer out of Federal ownership by Indemnity Lieu Selection, 43 U.S.C. 851, 852, or for lease or sale pursuant to the Recreation and Public Purposes Act, 43 U.S.C. 869–869–4.

2. Subject to valid existing rights, publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except that these lands will remain open to filing of Indemnity lieu selection and applications under the Recreation and Public Purposes Act. The classification would supersede Classifications A–58, A–662, A–2152, A–2153, A–3478, and AR 032224 as they may affect the lands described below.

3. The public lands proposed for classification in this notice are scattered tracts located in Pima County, Arizona. State and local government authorities have identified these lands as being suitable for indemnity lieu selection and/or needed for future orderly community expansion, or development for recreation or other public purposes.

Petition-applications have already been filed on many of these parcels by the State Land Department, the Pima County Board of Supervisors, and the Tucson School District #1. The criteria for classification of lands for disposal for the above cited purposes in 43 CFR 2410.2 authorizes the classification of lands in a manner which will best promote the public interests.

4. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017, and the State Office, 3022 Federal Building, Phoenix, Arizona 85025.

5. The public lands involved are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 10 E.,
Sec. 29, W½;
Sec. 35, NE¼NE¼.
T. 12 S., R. 10 E.,
Sec. 6, SE¼SE¼;
Sec. 18, lots 1 to 4, inclusive, E½W½, NE¼, N½SE¼, SW¼SE¼, W½SE¼SE¼, NE¼SE¼SE¼, W½SE¼SE¼SE¼ and NE¼SE¼SE¼SE¼.
T. 13 S., R. 10 E.,
Sec. 35, all.
T. 15 S., R. 10 E.,
Sec. 4, lots 1 to 4, inclusive, and S½N½.
T. 16 S., R. 10 E.,
Sec. 4, lots 1, 5, 8, and 9, SW¼ and NW¼SE¼;
Sec. 9, lots 2, 4, and 5, N½N½, and SE¼NW¼;
Sec. 27, NW¼NW¼.
T. 12 S., R. 11 E.,
Sec. 25, NE¼NE¼.
T. 13 S., R. 11 E.,
Sec. 4, lots 3 and 4;
Sec. 5, SE¼SE¼;
Sec. 8, S½SE¼;
Sec. 17, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 20, W½;
Sec. 29, N½, and SW¼.
T. 14 S., R. 11 E.,
Sec. 4, SE¼SE¼;
Sec. 7, lots 2, 3, and 4, SE¼NW¼, E½SW¼, and E½.
T. 15 S., R. 11 E.,
Sec. 30, lot 2.

T. 16 S., R. 11 E.,
Sec. 4, SW¼SW¼SW¼;
Sec. 6, lots 3, 4, and 5, SE¼NW¼.
T. 17 S., R. 11 E.,
Sec. 23, NW¼NE¼.
T. 14 S., R. 12 E.,
Sec. 23, NW¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, and SE¼SE¼NW¼;
Sec. 24, N½SW¼SW¼, and SE¼SW¼;
Sec. 28, NW¼SE¼;
Sec. 29, lots 1 to 30, inclusive, and NE¼;
Sec. 30, lots 9 to 54, inclusive, and 57 to 72, inclusive;
Sec. 35, lots 1, 2, and 7, N½NW¼, N½SE¼NW¼, SW¼NW¼, SW¼SE¼NW¼, N½SW¼.
T. 15 S., R. 12 E.,
Sec. 1, lots 8, 9, 13, 14, and 24 to 31, inclusive;
Sec. 3, lots 1, 2, and 5 to 28, inclusive, NE¼SE¼NE¼, W½SE¼NE¼, and SW¼NW¼;
Sec. 4, lots 1, 5 to 12, inclusive, and 29 to 38, inclusive, and SE¼NE¼;
Sec. 5, lots 53 to 69, inclusive;
Sec. 7, lots 5 to 20, inclusive, SE¼SW¼, and that part of lot 4 south of right-of-way A 6032;
Sec. 8, lots 1 to 9, inclusive, 24 to 44, inclusive, and 58 to 67, inclusive;
Sec. 9, NE¼NW¼, W½NW¼, N½SE¼NW¼, and SW¼SE¼NW¼.
Sec. 10, lots 37 to 40, inclusive, 58 to 60, inclusive, 89 to 92, inclusive, and 101 to 104, inclusive;
Sec. 11, N½NE¼, SE¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, and SE¼;
Sec. 12, lots 5 to 12, inclusive, W½NW¼, N½SE¼NW¼, and SW¼SE¼NW¼;
Sec. 14, SW¼SE¼SE¼;
Sec. 19, lots 1 to 4, inclusive, E½W½; and E½;
Sec. 20, NW¼, and S½;
Sec. 22, NE¼NE¼SE¼, S½NE¼SE¼, and SE¼SE¼;
Sec. 23, NE¼NE¼, S½N½, SW¼, and N½SE¼;
Sec. 24, SE¼NE¼NW¼, and SW¼NW¼.
T. 17 S., R. 12 E.,
Sec. 24, N½NE¼, and NE¼NW¼.
T. 11 S., R. 13 E.,
Sec. 4, NE¼SE¼, and S½S½;
Sec. 7, lots 1 and 2, S½NE¼, and SE¼NW¼;
Sec. 13, W½;
Sec. 15, N½NE¼, and NW¼;
Sec. 24, NW¼.
T. 14 S., R. 13 E.,
Sec. 19, SE¼.
T. 15 S., R. 15 E.,
Sec. 15, NW¼SW¼, and S½SW¼.
T. 16 S., R. 15 E.,
Sec. 7, lot 3.
T. 17 S., R. 15 E.,
Sec. 5, SW¼SW¼SW¼;
Sec. 8, SW¼SW¼SW¼;
Sec. 9, all;
Sec. 18, SE¼SE¼SE¼;
Sec. 19, SE¼SE¼;
Sec. 30, SW¼ of lot 8.
T. 12 S., R. 18 E.,
Sec. 5, lots 3 and 4, S½NW¼, and SW¼.
T. 16 S., R. 18 E.,
Sec. 22, NW¼NE¼, S½NE¼, and N½SE¼.

The areas described aggregate approximately 12,331.94 acres in Pima County.

6. On or before December 31, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views to the State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

Dated: October 26, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73-23283 Filed 10-31-73;8:45 am]

[Serial No. I-012996]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 26, 1973.

Notice of an application of the Bureau of Sports Fisheries and Wildlife, Serial No. I-012996, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 63-9003 on Page 9267 of the issue for August 22, 1963. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2350, such lands will be, at 10 a.m. on December 12, 1973, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 36 E.,
Section 25, north 12.5 acres of Lot 10;
Section 26, north ⅔ of Lot 7. These lands have been resurveyed and are now described as Tract 47 which contains 52.65 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.73-23280 Filed 10-31-73;8:45 am]

[OR 11258]

OREGON

Proposed Withdrawal and Reservation of Lands

OCTOBER 25, 1973.

The Department of Agriculture, on behalf of the Forest Service has filed application, OR 11258, for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as a scenic and recreational area.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than December 1, 1973, to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2965 (729 N.E. Oregon Street), Portland, Oregon 97208.

After receipt of comments from interested parties the authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the land will be withdrawn as requested by the applicant agency.

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

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

The land involved in the application is:

WILLAMETTE MERIDIAN

A strip of land ¼-mile wide north and west of the meander line of the Snake River through the following legal subdivisions:

WALLOWA NATIONAL FOREST

T. 2 S., R. 49 E., Unsurveyed
Sec. 13, SE¼SE¼;
Sec. 24, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
Sec. 25, W½NE¼, W½;
Sec. 26, SE¼SE¼;
Sec. 35, NE¼, E½SW¼, NE¼SE¼, W½SE¼;
Sec. 36, NW¼NW¼.
T. 3 S., R. 49 E., Unsurveyed
Sec. 2, NW¼NE¼, NE¼NW¼, S½NW¼, SW¼;
Sec. 3, E½SE¼;
Sec. 10, E½E½, excepting patented HES-63;
Sec. 11, W½W½, excepting patented HES-63;
Sec. 14, W½W½;
Sec. 15, E½E½;
Sec. 22, E½E½;
Sec. 23, W½W½;
Sec. 26, W½NW¼;
Sec. 27, NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 33, E½E½, SW¼SE¼;
Sec. 34, NE¼NW¼, W½W½.
T. 4 S., R. 49 E., Unsurveyed
Sec. 4, E½, E½SW¼, excepting patented HES-100;
Sec. 9, W½NE¼, E½W½, SW¼SW¼, W½SE¼;
Sec. 16, W½;
Sec. 21, NW¼, that part of N½SW¼ north of centerline of Point Creek.
T. 2 S., R. 50 E., Unsurveyed
Sec. 18, W½NE¼, W½, excepting patented HES-41;
Sec. 19, W½NW¼.

WHITMAN NATIONAL FOREST

T. 4 S., R. 49 E., Unsurveyed
Sec. 20, SE¼SE¼;
Sec. 21, that part of N½SW¼ south of centerline of Point Creek, SW¼SW¼;
Sec. 28, W½NW¼, NW¼SW¼;
Sec. 29, E½NE¼, SE¼;
Sec. 32, NE¼NE¼, W½E½, E½W½, excepting patented HES-105.
T. 5 S., R. 49 E., Unsurveyed
Sec. 4, W½E½, E½W½;
Sec. 8, NE¼SE¼, S½SE¼;
Sec. 9, W½NE¼, W½;
Sec. 17, E½, E½W½, SW¼SW¼, excepting patented HES-223;
Sec. 19, SE¼, SE¼SW¼, excepting patented HES-255;
Sec. 20, NW¼, N½SW¼, excepting patented HES-255.

The areas aggregate approximately 3,665.45 acres in Wallowa and Baker Counties, Oregon.

IRVING W. ANDERSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-23284 Filed 10-31-73;8:45 am]

Geological Survey

[Power Site Modification 449]

SNAKE RIVER BASIN, WYOMING

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 286, of July 16, 1934, is hereby modified to the extent necessary to permit the grant of a 100 foot wide right-of-way under Revised Statute 2477 (43 U.S.C. 932) to the Board of County Commissioners, Teton County, Wyoming, for the construction of a county road as shown on a map on file with the Bureau of Land Management under Wyoming 36598. The right-of-way will affect the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 40 N., R. 116 W., sec. 27, SW¼NW¼.

This power site modification is subject to the condition that should the land traversed by the right-of-way be required for reservoir of power purposes, any improvements or structures thereon, when found by the Secretary of the Interior to interfere with reservoir or power development, shall be removed or relocated to eliminate interference with such development at no cost to the United States, its permittees or licensees.

Dated: October 19, 1973.

W. A. RADLINSKI,
Acting Director.

[FR Doc.73-23286 Filed 10-31-73;8:45 am]

DEPARTMENT OF STATE

[Public Notice 404]

SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENT IN CIVIL OR COMMERCIAL MATTERS

Designation of Justice Department

Pursuant to the authority vested in me by virtue of Executive Order 11471 of May 28, 1969, I hereby modify the designation made in that Order and designate the Department of Justice as the Central Authority to receive requests for service from other Contracting States under the Convention on the Service Abroad of Judicial and Extrajudicial Documents.

This designation shall be effective December 31, 1973.

Dated: October 18, 1973.

HENRY A. KISSINGER,
Secretary of State.

[FR Doc.73-23299 Filed 10-31-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of the fifth meeting of the Advisory Committee for National Dredging Study to be held November 13, 1973. The meeting will begin at 9:00 a.m. in Room 7E069 of the Forrestal Building, Washington, D.C.

The purpose of the meeting is to have the Contractor, Arthur D. Little Co., present a briefing on the accomplishments of the study and to discuss the proposed operations during the ensuing month.

Within the facilities available (about 25 persons) the meeting will be open to observers. However, the purpose of the meeting is not compatible with participation in the proceedings by the observers. Any member of the public who wishes to do so will be permitted to file a written statement with the Committee before or after the meeting.

Inquiries may be addressed to the Designated Federal Representative, Mr. Eugene B. Connor, DAEN-CWO-M, Office, Chief of Engineers, U.S. Army, Washington, D.C. 20314.

Dated: October 30, 1973.

For the Chief of Engineers.

JOHN V. PARISH, Jr.,
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.73-23387 Filed 10-31-73;8:45 am]

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act [Public Law 92-463 (1972)], notice is hereby given that meetings of the Secretary of the Navy's Advisory Board in Education and Training will be held from 9:00 a.m. to 4:00 p.m. on November 7, 1973, and from 8:30 a.m. to 12:00 noon on November 8, 1973, at the National War College, Fort McNair, Washington, D.C.

The portion of the meeting on November 7, 1973, from 9:15 a.m. to 10:15 a.m. concerns classified matters determined by the Secretary of the Navy to be exempt from public disclosure under the provisions of section 552(b) of title 5, U.S.C., and will be closed to the public. The remainder of the meetings, concerning graduate education of personnel of the Navy and Marine Corps, will be open to the public.

Dated: October 24, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc.73-23231 Filed 10-31-73;8:45 am]

Office of the Secretary

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Open Meeting

Pursuant to the provisions of section 10, Public Law 92-463, effective January 5, 1973, notice is hereby given that a regional meeting of the National Committee for Employer Support of the Guard and Reserve Advisory Council will be held on November 12, 1973, at the Hyatt Regency O'Hare Hotel, O'Hare International Airport, Chicago, Illinois.

The purpose of the meeting is to develop greater activity by members of the National Advisory Council in the solicitation of employer support of the Guard and Reserve.

The transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army Navy Drive, Arlington, Virginia 22202.

Dated: October 29, 1973.

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

[FR Doc.73-23269 Filed 10-31-73;8:45 am]

FEDERAL MARITIME COMMISSION

[License No. 1143]

METRO SHIPPING CORP.

Order of Revocation

On October 12, 1973, Metro Shipping Corporation, 50 Doncaster Road, Malverne, New York 11565 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1143 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1143 of Metro Shipping Corporation be and is hereby revoked effective October 12, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Metro Shipping Corporation.

AARON W. REESE,
Managing Director.

[FR Doc.73-23311 Filed 10-31-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Inspection Areas and Points

Statement of considerations. Section 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) provides that each official inspection agency shall be assigned a designated inspection area identified by geographical boundaries, and one or more designated inspection points within the area, for the performance of official inspection services.

The official inspection agencies along the lower Mississippi River requested that designated inspection areas and points be assigned to them. In response to

their request, the Agricultural Marketing Service held informal meetings with the agencies. Following the meetings, tentative designated inspection areas and points were agreed to by the agencies and the Agricultural Marketing Service in accordance with section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) and § 26.99 of the regulations (7 CFR 26.99) thereunder. Accordingly, it is proposed that the tentative areas and points be permanently assigned as follows:

Official inspection agency	Designated inspection area	Designated inspection points
Delta Weighing and Inspection Bureau, Inc.	Plaquemines Parish, La.	Myrtle Grove, La.
The Destrehan Board of Trade.	The portions of St. Charles, St. James, and St. John the Baptist Parishes, La., north of the middle of the Mississippi River (East Bank), except for the site of the St. Charles Grain Elevator Co., Destrehan, La.	Destrehan and Reserve, La.
Greater Baton Rouge Port Commission.	East Ascension, West Ascension, East Baton Rouge, and West Baton Rouge Parishes, La.	Port Allen, La.
The New Orleans Board of Trade, Ltd.	Jefferson, Orleans, and St. Bernard Parishes, La.	New Orleans and Westwego, La.
South Louisiana Port Inspection and Weighing Board, Inc.	The portions of St. Charles, St. James, and St. John the Baptist Parishes, La., south of the middle of the Mississippi River (West Bank), and the site of the St. Charles Grain Elevator Co., Destrehan, La.	Ama and Destrehan, La.

Interested organizations and persons are hereby given opportunity to submit views and comments in writing with respect to the proposed assignments.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than December 3, 1973. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on: October 29, 1973.

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

[FR Doc.73-23289 Filed 10-31-73;8:45 am]

GRAIN STANDARDS

Virginia Inspection Point

Statement of considerations. Warsaw, Virginia, is assigned to the Commonwealth of Virginia Department of Agriculture and Commerce, Richmond, Virginia, as a designated inspection point, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*). By definition, a designated inspection point is a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)). Because of the low volume of grain inspection work at Warsaw, the Virginia Department of Agriculture and Commerce has requested that the assignment of Warsaw as a designated inspection point be revoked, effective December 31, 1973.

It appears that through no fault of the Virginia Department of Agriculture and Commerce the volume of grain inspection work no longer warrants stationing a licensed inspector at Warsaw. Accordingly, the Agricultural Marketing Service proposes to revoke the assignment of Warsaw as a designated inspection point without prejudice to the Commonwealth of Virginia Department of Agriculture and Commerce. Interested persons are hereby given opportunity to submit views and comments with respect to the proposed revocation.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than December 3, 1973. All materials submitted pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on: October 29, 1973.

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

[FR Doc.73-23290 Filed 10-31-73;8:45 am]

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the list (38 FR 23022) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and handling of livestock is hereby amended as follows:

The reference to The Morris Packing Company, establishment 113, and the reference to cattle with respect to such establishment, are deleted. The reference to Nebraska Penal Correctional Complex, establishment 5691, and the reference to cattle with respect to such establishment, are deleted. The reference to Harry P. Johnston, establishment 9614, and the reference to cattle, calves, sheep, and swine with respect to such establishment, are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Establishments Slaughtering Humanely

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Mary B Meats	6156	(*)	(*)	(*)	(*)	(*)	----
T. P. Packing Co., Inc.	6473	(*)	(*)	----	----	----	----
Suffolk Packing Co., Inc.	6546	(*)	(*)	(*)	----	----	----
Martiff's Abattoir & Wholesale Meats	6547	(*)	----	----	----	(*)	----
San Sebastian Abattoir	6567	(*)	----	----	----	(*)	----
Municipio De Aguadilla	6588	(*)	(*)	----	(*)	(*)	----
Star Meat Co.	6790	----	----	----	----	(*)	----
Bergman Meat Packing Co., Inc.	6788	(*)	----	----	----	(*)	----
Eckert's, Inc.	6917	(*)	----	----	----	(*)	----
Schwartzman Packing Co.	7003	(*)	(*)	----	----	----	----
E-TEX Packing Co.	7122	(*)	(*)	----	----	----	----
B & B Packing Co.	7146	(*)	----	----	----	(*)	----
Greer's, Inc.	7139	----	----	----	----	(*)	----
Saint Thomas Abattoir	7385	(*)	(*)	(*)	(*)	(*)	----
Municipal Government of Quebradillas	7388	(*)	----	----	----	(*)	----
Municipality of Albonito	7390	(*)	(*)	(*)	(*)	(*)	----
F. B. Purnell Sausage Co., Inc.	7464	(*)	----	----	----	(*)	----
Field Packing Co., Inc.	7467	(*)	----	----	----	----	----
Dale's Meat Processing Plant	7781	(*)	----	----	----	(*)	----
Bruno's Packing Co.	7804	(*)	(*)	(*)	(*)	(*)	----
Meherrin Packing Co.	7931	----	----	----	----	(*)	----
Elm Hill Meats, Inc.	7936	(*)	(*)	----	----	(*)	----
Louisville Beef Corp.	7969	(*)	(*)	----	----	----	----
University of Kentucky—Meat Laboratory	8013	----	----	(*)	----	(*)	----
Turpen's Sausage, Inc.	8025	(*)	(*)	----	----	----	----

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Loretto Meat Processors	8064	(*)	(*)	(*)	(*)	(*)	------
Boone's Abattoir, Inc.	8078	(*)	(*)	(*)	(*)	------	------
Douglas Slaughterhouse	8087	(*)	------	------	------	(*)	------
Robinson Sausage Co.	8405	(*)	------	------	------	(*)	------
Mexiel Meat Packing Co.	8496	(*)	(*)	(*)	------	(*)	------
Burton Block	E8523	------	------	------	------	------	(*)
Karl K. Kling	8613	(*)	(*)	(*)	------	(*)	------
Dysinger Meats, Inc.	8622	(*)	(*)	(*)	------	(*)	------
A. J. Peachey & Sons	8628	(*)	(*)	------	------	(*)	------
Ray T. Benner & Son	8630	(*)	------	------	------	------	------
Harvey A. Kipp	8646	(*)	------	------	------	(*)	------
McGuire Butcher Shop	8648	(*)	(*)	(*)	(*)	(*)	------
Charles Meat Market	8650	(*)	(*)	(*)	------	(*)	------
Elmer's Place	8714	(*)	------	(*)	------	(*)	------
Alma Cooperative Locker Association	8728	(*)	------	------	------	(*)	------
Carlson Frozen Meat Sales	8948	(*)	(*)	(*)	------	(*)	------
Forster Packing Co., Inc.	8966	(*)	(*)	(*)	(*)	(*)	------
Fosston Co-Op Association Locker Department.	8974	(*)	------	------	------	(*)	------
City Meat Market	8975	(*)	(*)	(*)	------	(*)	------
Lynch's Foods	8976	(*)	(*)	(*)	------	(*)	------
Slayton Z-R-O Pac	8989	(*)	------	(*)	------	(*)	------
Snow Hill Processing Plant	9075	(*)	(*)	------	------	(*)	------
Santiam Meat Packers	9230	(*)	(*)	(*)	(*)	(*)	------
Stanton's Slaughterhouse	9224	(*)	(*)	(*)	(*)	(*)	------
Robert C. Cannon Meat Co.	9271	(*)	------	(*)	------	(*)	------
Oregon State Penitentiary—Annex Farm	9272	(*)	------	(*)	------	(*)	------
Graham Meat Co.	9273	(*)	------	(*)	------	(*)	------
Boston's Beef House	9275	(*)	------	(*)	------	------	------
Hawley Meat Co.	9276	(*)	------	(*)	------	(*)	------
Hopkins Wholesale Meats	9277	(*)	------	(*)	------	(*)	------
J. T. Barton	9371	(*)	(*)	------	------	(*)	------
Swift & Co.	3 N	(*)	------	------	------	(*)	------
Wilson & Co.	29 U	------	------	(*)	------	------	------
Wilson & Co., Inc.	29 MO	------	------	------	------	(*)	------
Coast Packing Co.	25	(*)	------	------	------	------	------
Kenton Packing Co.	36	(*)	(*)	------	------	------	------
Sunnyland Packing Co. of Alabama	56	(*)	------	------	------	------	------
Do.	56 A	------	------	------	------	(*)	------
Weimer Packing Co., Inc.	59	(*)	------	------	------	(*)	------
The Morris Packing Co.	E 113	------	------	------	------	------	(*)
Kent Packing Co.	187	(*)	(*)	------	------	------	------
E. W. Kuetp, Inc.	213	(*)	------	------	------	------	------
Marshall Meat Products, Inc.	215	(*)	------	------	------	------	------
Texas Technological College—Animal Husbandry.	236	(*)	------	(*)	------	(*)	------
Iowa Beef Processors, Inc.	245 D	(*)	------	------	------	------	------
Pacific Meat Co., Inc.	267	(*)	(*)	(*)	------	(*)	------
Noble's Meat Co.	335	(*)	------	------	------	------	------
Union Packing Co.	351	(*)	------	------	------	------	------
Wilson & Co.	374	(*)	(*)	------	------	(*)	------
Del Curto Meat Co.	445	(*)	(*)	(*)	(*)	(*)	------
Missouri Beef Packers, Inc.	473 B	(*)	------	------	------	------	------
Saint Croix Abattoir	482	(*)	(*)	(*)	(*)	(*)	------
Bartel's Meat Co.	497	(*)	(*)	(*)	------	(*)	------
Smallwood Packing Co., Inc.	529	(*)	------	------	------	------	------
Dawson-Baker Packing Co., Inc.	588	(*)	(*)	(*)	------	------	------
Schluderberg-Kurdle Co., Inc.	649	------	------	------	------	(*)	------
Wilhelm Foods, Inc.	692	(*)	------	------	------	------	------
Karler Packing Co.	767	(*)	(*)	------	------	------	------
Diamond Meat Co., Inc.	783	(*)	------	------	------	------	------
The Allen Packing Co.	845	(*)	(*)	(*)	------	------	------
Valley Packers, Inc.	922	(*)	(*)	------	------	(*)	------
Peoples Packing Co.	925	(*)	(*)	------	------	------	------
Joe Doctorman & Son Packing	949	(*)	(*)	(*)	------	(*)	------
Greater Omaha Packing Co., Inc.	960	(*)	------	------	------	------	------
Klarer of Kentucky, Inc.	995	(*)	------	------	------	(*)	------
Alewel's, Inc.	2101	(*)	------	(*)	------	(*)	------
L & H Packing—Braun Division	2239	(*)	------	(*)	(*)	------	------
Springfield Dressed Beef, Inc.	2290	(*)	(*)	------	------	------	------
H. P. Beale & Sons, Inc.	2982	------	------	------	------	(*)	------
Granite Meat & Livestock Co.	2856	(*)	------	(*)	(*)	------	------
Pettis County Locker System	2929	(*)	------	(*)	------	(*)	------
Bolivar Locker Plant	2964	(*)	(*)	(*)	------	(*)	------
Slagle Meat Market, Inc.	2970	(*)	(*)	(*)	------	(*)	------
Davis Meat Processing	2984	(*)	(*)	(*)	------	(*)	------
Glen's Custom Butchering	2989	(*)	(*)	(*)	(*)	(*)	------
Morris Mendel & Co.	5309	(*)	(*)	(*)	------	------	------
Panhandle Packing Co.	3624	(*)	------	------	------	(*)	------
Oberg's Meat Processing	5626	(*)	(*)	(*)	------	(*)	------
Kimball Locker Plant	5656	(*)	------	(*)	------	(*)	------
F & J Meat Processors	5706	(*)	------	------	------	(*)	------
Dutch's Packing Co.	5783	(*)	(*)	------	------	(*)	------
Roseville Packing Co.	5790	(*)	(*)	(*)	------	(*)	------
Hughesville Slaughter Plant	5826	(*)	------	------	------	(*)	------
Kreisel Slaughter House	5834	(*)	------	------	------	(*)	------
William C. Parke & Sons Co.	6003	(*)	------	------	------	------	------
University of Nevada—Animal Science Division.	6004	(*)	(*)	(*)	------	------	------
Cedar Packing Co.	6118	(*)	------	------	------	(*)	------
Mutrahaugh Slaughter House	9372	(*)	(*)	(*)	------	(*)	------
H. L. Peachey, Jr.	9373	(*)	(*)	(*)	------	(*)	------
P. G. Morrison	9440	------	------	------	------	(*)	------
Glenn J. Beaston	9835	(*)	------	------	------	(*)	------
New establishments reported: 116.							
Edgar Packing Co.	84	------	------	(*)	------	------	------
Helms Slaughterhouse	6277	------	------	(*)	------	(*)	------
Species added: 3.							

Done at Washington, D.C., on October 24, 1973.

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

[FR Doc.73-23095 Filed 10-31-73;8:45 am]

Farmers Home Administration

INTEREST SUBSIDY PAYMENTS AND INTEREST RATES TO BORROWERS

Information to Supplement and Implement Provisions

Notice is hereby given by the Farmers Home Administration (FHA) of information to supplement and implement the interest subsidy provisions of 7 CFR 1843.3, and the provisions on interest rates to borrowers in 7 CFR 1841.13.

1. *Interest subsidy payments.* The interest subsidy payments on loans guaranteed while this notice is in effect (until it is revised or superseded by a new notice published in the FEDERAL REGISTER), will be determined for the type of loan involved by subtracting the following "Interest Rate to Borrower" from the Local Interest Rate[1] or the following "FHA Interest Rate," whichever is less.

Loan type	Interest rate to borrower (percent)	FHA interest rate (percent)
OL	6¾	9
EM	5	9
FO, SW, RL	5	8

2. *Interest rates to borrowers.* Interest rates that may be charged by lenders and holders to borrowers on the various types of loans are set forth in the table above. Such rates will remain constant as long as the Contract of Guarantee is in effect. However, the interest rates for new loans may be changed periodically by publishing the changes in the notices section of the FEDERAL REGISTER.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

Effective date. This notice shall be effective November 1, 1973.

Dated October 26, 1973.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.73-23271 Filed 10-31-73;8:45 am]

GUARANTEE FEE PAYMENT

Information to Supplement and Implement Provisions

Notice is hereby given by the Farmers Home Administration (FHA) of infor-

[1] The Local Interest Rate is defined in 7 CFR 1843.3(a)(1). It will be the "Local Interest Rate" shown in the lender's or holder's Request for Contract of Guarantee or Interest Subsidy Claim.

mation to supplement and implement the guarantee fee provisions of 7 CFR 1841.30 (b). The following rates and times of payments of loan guarantee fees payable by lenders and holders to FHA will remain in effect until this notice is revised or superseded by a new notice published in the FEDERAL REGISTER.

Loan term [1]	Type of loan [2]	Fee rate [3]	Initial fee due date [4]	Subsequent fees due date [4]
1 year of less	Any type	½ of 1 percent	Date of guarantee	1 yr intervals from date of guarantee.
More than 1 yr	OL, B&I, and EM for operating purposes.	1 percent	Date of guarantee	3 yr intervals from date of guarantee.
More than 1 yr	FO, SW, RL, and EM for real estate purposes.	1 percent	Date of guarantee	5 yr intervals from date of guarantee.

[1] The loan term is the period of time between the date of the note (or assumption agreement) and the final maturity date set forth therein.
[2] For a complete description of types of loans referred to above, see 7 CFR Part 1842 on B&I Loans, and 7 CFR 1843.1(b) on farmer loans.
[3] The fee rate is based on the principal amount owed on the guaranteed loan promissory note (or assumption agreement) on the date each fee payment falls due.
[4] The contract of guarantee will terminate automatically as of any guarantee fee due date if the entire fee is not received by the FHA Finance Office within 10 days after the due date, except that in 1 percent fee cases, a 1-year and 10-day grace period after the due date is allowed for payment of the second half of the fee, and except further that such automatic contract termination will not occur if a fee payment is made late for reasons FHA considers justifiable.
[5] The intervals, rates, and amounts of garantee fee payments for different periods are set forth more specifically in Form FHA 449-17, "Contract of Guarantee." Subsequent fees are not required to be paid, but if not paid the contract will terminate as stated in footnote 4.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

Effective date. This notice shall be effective November 1, 1973.

Dated: October 19, 1973.

J. R. HANSON,
Administrator,
Farmers Home Administration.

[FR Doc.73-23270 Filed 10-31-73;8:45 am]

Food and Nutrition Service

[FSP No. 1974-1.1; Amdt. 18]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semiannually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. The first such adjustment is to be implemented commencing with January 1, 1974 incorporating the changes in the prices of food through August 31, 1973. Therefore, Notice FSP No. 1973-1, which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II Code of Federal Regulations, is superseded, effective January 1, 1974, by this Notice FSP No. 1974-1.1.

Except for the three and five person households, the total monthly coupon allotments are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect on January 1, 1974, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice. Notice FSP No. 1974-1.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

As provided in 7 CFR 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such States or the District of Columbia prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards.

Household size:	*Maximum allowable monthly income standards—48 States and District of Columbia*
One	$183
Two	260
Three	373
Four	473
Five	560
Six	646
Seven	726
Eight	806
Each additional member	+67

"Income" as the term is used in the notice is as defined in paragraph (c) of

§ 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7(a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which state agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—48 STATES AND DISTRICT OF COLUMBIA

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$42	$78	$112	$142	$168	$194	$218	$242
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	31	38	40	41	42	43	44	45
$170 to $189.99	32	44	46	47	48	49	50	51
$190 to $209.99		50	52	53	54	55	56	57
$210 to $229.99		56	58	59	60	61	62	63
$230 to $249.99		58	64	65	66	67	68	69
$250 to $269.99		58	70	71	72	73	74	75
$270 to $289.99			76	77	78	79	80	81
$290 to $309.99			82	83	84	85	86	87
$310 to $329.99			88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			94	104	105	106	107	108
$390 to $419.99				113	114	115	116	117
$420 to $449.99				118	123	124	125	126
$450 to $479.99				118	132	133	134	135
$480 to $509.99					140	142	143	144
$510 to $539.99					140	151	152	153
$540 to $569.99					140	160	161	162
$570 to $599.99						162	170	171
$600 to $629.99						162	179	180
$630 to $659.99						162	182	189
$660 to $689.99							182	198
$690 to $719.99							182	202
$720 to $749.99							182	202
$750 to $779.99								202
$780 to $809.99								202

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the total allotment.* For each person in excess of eight, add $20 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $689.99 or less per month.

2. For households with monthly incomes of $690 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $689.99, add $9 to the monthly purchase requirement shown for an eight-person household with an income of $689.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on January 1, 1974.

J. PHIL CAMPBELL,
Acting Secretary.

OCTOBER 26, 1973.

[FR Doc.73-23238 Filed 10-31-73;8:45 am]

Forest Service

CONDOR ADVISORY COMMITTEE

Notice of Meeting

The Condor Advisory Committee will meet on November 14, 1973, at 1 p.m. in the Sequoia National Forest, Supervisor's Office, 900 W. Grand Avenue, Porterville, California.

The meeting will be open to the public. Persons who wish to attend should notify Mr. Edward R. Schneegas, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111 (telephone number 415–556–5375). Written statements may be filed with the Committee before or after the meeting.

Time for public participation has been scheduled after the regular meeting.

DOUGLAS R. LEISZ,
Regional Forester.

OCTOBER 25, 1973.

[FR Doc.73-23248 Filed 10-31-73;8:45 am]

DESCHUTES NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Council will meet at 8:00 p.m., November 8, 1973, at Frieda's.

The purpose of this meeting is review and discuss revisions to Forest Reorganization Plan; Forest 10-Year Timber Management Plan; and proposed Forest off-highway recreation vehicle restrictions.

The meeting will be open to the public.

Dated: October 23, 1973.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.73-23253 Filed 10-31-73;8:45 am]

Office of the Secretary

YAKIMA INDIAN LANDS IN WASHINGTON STATE

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Yakima Indian Lands in Washington has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on October 26, 1973.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.73-23276 Filed 10-31-73;8:45 am]

Soil Conservation Service

UPPER CASTLETON RIVER WATERSHED PROJECT, VT.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Upper Castleton River Watershed Project, Rutland County, Vermont, USDA-SCS-ES-WS-(ADM)-73-23(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and fish and wildlife development. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by (1) one multiple-purpose structure for flood prevention and fish and wildlife and associated fish and wildlife facilities, (2) three sections of channel work for flood prevention, (3) one fish and wildlife marsh improvement, and (4) diking and highway culvert alterations for flood prevention.

The final environmental statement was transmitted to CEQ on October 24, 1973.

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

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250

Soil Conservation Service, USDA, 96 College Street, Burlington, Vermont 05401

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $4.50.

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

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated October 24, 1973.

JOSEPH W. HAAS,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-23329 Filed 10-31-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF COLORADO

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which the consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 72-00395-01-77030. Applicant: University of Colorado, Purchasing Services Department, Regent Hall, Room 122, Boulder, Colorado 80302. Article: NMR Spectrometer, Model HX-60-E. Date of denial without prejudice to resubmission: July 29, 1973.

Docket number: 73-00148-75-14200. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Image Analyzing Computer, Model Quantimet 720. Date of denial without prejudice to resubmission: June 27, 1973.

Docket number: 73-00119-91-46070. Applicant: The New York Botanical Garden, Bronx Park, Bronx, New York 10458. Article: Scanning Electron Microscope, Model JSM-U3. Date of denial without prejudice to resubmission: February 7, 1973.

Docket number: 73-00220-33-46040. Applicant: Veterans Administration Hospital, Archer Road, Gainesville, Florida 32601. Article: Electron Microscope, Model EM 300. Date of denial without prejudice to resubmission: April 11, 1973.

Docket number: 73-00263-65-46070. Applicant: University of Illinois, 223 Administration Building, Urbana, Illinois 61801. Article: Scanning Electron Microscope, Model JSM-U3. Date of denial without prejudice to resubmission: June 8, 1973.

Docket number: 73-00306-00-77000. Applicant: Colorado State University, Fort Collins, Colorado 80521. Article: Analyzer Type AD 69. Date of denial without prejudice to resubmission: June 8, 1973.

Docket number: 73-00314-01-77030. Applicant: Trenton State College, Department of Chemistry, Trenton, New Jersey 08625. Article: NMR Spectrometer, Model JNM-MH-60. Date of denial without prejudice to resubmission: June 27, 1973.

Docket number: 73-00398-90-46070. Applicant: University of Wyoming, Department of Geology, University Station, Box 3006, Laramie, Wyoming 82070. Article: Scanning Electron Microscope, Model JSM-U3. Date of denial without prejudice to resubmission: June 1, 1973.

Docket number: 73-00399-33-46070. Applicant: Forsyth Dental Infirmary for Children, Head Electron Microscopy Department, 140 Fenway, Boston, Massachusetts 02115. Article: Scanning Electron Microscope, Model JSM-U3. Date of denial without prejudice to resubmission: June 8, 1973.

Docket number: 73-00419-33-46595. Applicant: Environmental Protection Agency, National Environmental Research Center, Experimental Biology Laboratory Division, Room H-229 Technical Center, Research Triangle Park, North Carolina 27711. Article: Pyramitome, Model LKB 11800-1. Date of denial without prejudice to resubmission: June 8, 1973.

Docket number: 73-00426-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, New York 10461. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: June 8, 1973.

Docket number: 73-00505-33-46040. Applicant: Ohio Agricultural Research

& Development Center, Electron Microscope Laboratory, Wooster, Ohio 44691. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: June 15, 1973.

Docket number: 73-00506-33-46500. Applicant: Veterans Administration Hospital, 500 Foothill Boulevard, Salt Lake City, Utah 84113. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: June 13, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-23291 Filed 10-31-73;8:45 am]

Maritime Administration

CONSTRUCTION OF TANKERS OF ABOUT 265,000 DWT

Recomputation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to recompute the estimated foreign cost of the construction of tankers of about 265,000 DWT since there appears to have been a significant change in shipbuilding market conditions since the previous determination of estimated foreign cost was made.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on December 1, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Dated: October 29, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-23328 Filed 10-31-73;8:45 am]

POLLUTION ABATEMENT SPECIFICATIONS

Notice of Procedure Adopted for Proposed Revisions

Notice is hereby given that the Maritime Subsidy Board on this date established a detailed procedure for revisions to section 70 (Pollution Abatement Provisions) of the Maritime Administration's Standard Specifications for Merchant Ship Construction. On August 13, 1973, the Board rendered an Opinion and Order, identified as Docket No. A-75, which indicated the agency action to be taken under the National Environmental Policy Act of 1969 with regard to the Maritime Administration's Tanker Construction Subsidy Program. The procedures adopted this date amplify procedures set forth in Docket A-75 for revising the aforesaid specifications. The following procedures were adopted to apprise the general public of the criteria which will be employed by the Board in acting on proposed revisions of the Standard Specifications and to assure interested persons both the opportunity to comment on a proposed revision and notification of the Board's action on any revision and the basis for such action.

(I) Criteria for considering proposals for revisions in section 70 pollution abatement specifications:

(1) Environmental benefits likely to be achieved by adoption of the proposed revision;

(2) The technical feasibility of incorporating the proposed revision;

(3) The current availability of the particular device or equipment involved;

(4) The construction and operating costs associated with making the proposed revision;

(5) The effect of adoption of the proposed revision upon a vessel's economic viability, i.e., ability to compete in the relevant trade.

(II) Procedure for submission and consideration of revisions to the section 70 pollution abatement specifications:

(1) The Staff of the Maritime Administration, other Federal Agencies and the public may recommend to the Board changes to section 70 pollution abatement specifications;

(2) Such proposals will be referred to the Assistant Administrator for Operations, who will notice in the FEDERAL REGISTER all such proposals, except those constituting a mere restatement of existing laws and regulations or a previously acted on proposal in which surrounding circumstances are unchanged;

(3) Such FEDERAL REGISTER notice will provide 30 days for public comment prior to any consideration by the Board of a proposed revision;

(4) The Assistant Administrator for Operations will then review such proposals together with any comments received pertaining thereto and will prepare an evaluation of the proposals involved, which, together with the comments, will be submitted to the Board with a recommendation as to the appropriate action;

(5) The Board then will take final action on the proposal which will be accompanied by a written statement of reasons for its action, and will publish notice of its action in the FEDERAL REGISTER.

(6) The Board decision, together with all public comments and their evaluations, and the recommendation of the Assistant Administrator for Operations will be available for public inspection.

Dated: October 30, 1973.

So ordered by the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-23425 Filed 10-31-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-641; NDA No. 16-865]

EDISON PHARMACEUTICAL CO., INC.

Co-Thyro-Bal; Final Order on Objections and Request for a Hearing Regarding Refusal To Approve New Drug Application

On May 19, 1969, a new drug application (NDA 16-865), for the drug Co-Thyro-Bal was submitted by Edison Pharmaceutical Co., Inc., New York, New York 10022. The application was reviewed and found not approvable because the information presented was inadequate under section 505(b)(1)-(6) of the Federal Food, Drug, and Cosmetic Act. By letter dated December 1, 1969, the applicant was notified of this determination, the reasons therefore, and that the application was closed.

In June 1972, pursuant to the suggestion in the opinion of the United States Court of Appeals for the District of Columbia, in Israel v. Baxter Laboratories, Inc., 466 F.2d 272 (C.A.D.C., 1972), the applicant requested that NDA 16-865 be re-activated and again reviewed. The Court stated that the application was to be subject to any amendment permitted by FDA. Nonetheless, no additional data was submitted by the applicant.

After review by personnel unconnected with any previous review of any new drug application for Co-Thyro-Bal, NDA, 16-865 was again found not approvable because the information presented is inadequate under section 505(b)(1)-(6) of the Act, 21 U.S.C. 355(b)(1)-(6), and the regulations promulgated pursuant to that section, 21 CFR 130.4. By letter dated January 26, 1973, the applicant was notified of this determination, the reasons therefore, and that the application was closed.

On February 15, 1973, the applicant filed NDA 16-865 over protest, pursuant to 21 CFR 130.5(d). The application was subsequently re-evaluated by personnel unconnected with any previous review of any new drug application for Co-Thyro-Bal, and again found to be not approvable. By letter dated March 16, 1973, the applicant was notified of this determination.

Subsequently, on June 28, 1973, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (38 FR 17027), his conclusion that the application (NDA 16-865) was not approvable because the information presented is inadequate under section 505(b)(1)-(6) of the Act, 21 U.S.C. 355(b)(1)-(6), and the regulations promulgated pursuant to that section, 21 CFR 130.4. Notice was given to Edison Pharmaceutical Company, holder of NDA 16-865 for Co-Thyro-Bal, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposed to issue an order on those grounds, refusing to approve NDA 16-865 for Co-Thyro-Bal. The Notice provided an opportunity for hearing on the refusal to

approve NDA 16-865 for Co-Thyro-Bal. Thirty days were allowed for filing a written appearance requesting a hearing by the applicant or any interested person who would be adversely affected by an order refusing to approve the application, giving the reasons why approval of the new drug application should not be refused, together with a well-organized and full factual analysis of any clinical or other data they were prepared to prove in support of their opposition.

On July 25, 1973, a written appearance and request for a hearing was submitted by Edward "Whitey" Ford, Member of the Board of Directors, Vascular Research Foundation, on behalf of himself and approximately 200 other individuals. Submitted with the request were approximately 200 letters of a testimonial nature relating to the drug Co-Thyro-Bal.

On July 30, 1973, a written appearance and request for a hearing was submitted by Edison Pharmaceutical Co., Inc., the holder of NDA 16-865. The request contained no new data and consisted entirely of medical and legal arguments as to why data previously submitted meets the requirements for approval of an NDA.

The submission of Edison Pharmaceutical Co., Inc. in addition to the approximately 200 medical testimonials summitted with Mr. Edward "Whitey" Ford's request for a hearing have been considered and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

I. *The drug.* Co-Thyro-Bal is lyophilized injectable for intravenous or intramuscular injection to be reconstituted with 3-5 cc. of sterile water or normal saline. The active ingredients are sodium levothyroxine and cyanocobalamin (Vitamin B_{12}).

II. *Recommended uses.* Co-Thyro-Bal is indicated for the treatment of hypercholesterolemia in euthyroid patients with or without organic heart disease; for treatment of hypothyroidism with or without cardiac disease; and for patients who become thyrotoxic with other types of thyroid medication. Each ampule contains .5 mg. of sodium levothyroxine and .5 mg. of cyanocobalamin (Vitamin B_{12}). Recommended dosage is one ampule weekly for four to eight weeks, then, as a maintenance dose, 1.5 to 2 ampules every two weeks.

III. *Submission of Edison Pharmaceutical Co.* A. In the June 28, 1973 Notice of Opportunity for Hearing, the Commissioner stated that the application was inadequate in that it fails to contain the material required by the statute 21 U.S.C. 355(b) (2)-(6), namely a full list of the articles used as components of such drug; a full statement of the composition of such drug; a full description of the methods used in, and the facilities and controls used for, the manufacturing, processing, and packing of such drug; such samples of such drug and of the articles used as components thereof as the Secretary may require (such samples are required by 21 CFR 130.4, Par. 9a of the NDA Form); and specimens of the labeling proposed to be used for such drug.

An application which does not contain all the matter required by 21 U.S.C. 355 (b) is, on its face, clearly not complete, cannot be filed as provided by 21 CFR 130.5(a)(3), and is clearly not approvable. Applicant submitted no new material, in its Appearance and Request for a Hearing, which would, in any way, correct any of the stated deficiencies under 21 U.S.C. 355(b). The Commissioner concludes that no formal hearing can correct the failure of the application to contain the matter required by 21 U.S.C. 355(b).

B. The Commissioner is required by 21 U.S.C. 355(d) to issue an order refusing to approve an application if he finds any deficiencies in the application as stated in 21 U.S.C. 355(d)(1)-(6). In this connection, the Notice of Opportunity specified a number of deficiencies under 21 U.S.C. 355(d)(1)-(6) including under (d)(3) that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; and (d)(6) based on a fair evaluation of all material facts, the labeling is false and misleading. Numerous deficiencies in the labeling which resulted in the labeling being false or misleading were specified. Applicant submitted no new material, in its Appearance and Request for a Hearing, which would, in any way, correct these stated deficiencies.

Applicant asserts by way of explanation of the fact that the manufacturing and labeling requirements remain unfulfilled that FDA has, by terminating applicant's IND, "stripped the applicant of its ability to perform and complete these manufacturing and labeling requirements * * *" (Request, p. 14).

The fact that applicant's IND was terminated is irrelevant because there is no relationship between the termination of the IND and applicant's completion of the NDA manufacturing and labeling requirements under 21 U.S.C. 355. The manufacturer's reluctance to provide the necessary information for applicant to meet these requirements is a problem of applicant and applicant's explanation in the Request for a Hearing does not in any way ameliorate the deficiencies respecting these requirements which were cited in the Notice of Opportunity for a Hearing. Further, FDA did not, as applicant suggests, "authorize" the completion of these requirements. In the letter to which applicant refers (Request, p. 15) FDA merely told the firm that it is not necessary to have an IND in order for the manufacturer to satisfy the manufacturing and related deficiencies.

C. In the Notice of Hearing, the Commissioner stated that NDA 16-865 was further deficient in that:

1. The reports of investigation included with the application do not include adequate tests by all methods deemed reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling, within the meaning of 21 U.S.C. 355(d)(1).

2. The results of tests included in the application do not show that the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling, within the meaning of 21 U.S.C. 355(d)(2) in that the clinical studies submitted were not adequate and well-controlled and therefore neither the clinical nor the statistical significance of the reported results can be evaluated.

3. Upon the basis of information submitted as part of the application and upon the basis of other information that is available with respect to such drug, there is insufficient information to determine whether such drug is safe for use under the conditions prescribed.

4. Evaluation on the basis of information submitted and other information that is available with respect to the drug, there is a lack of substantial evidence within the meaning of 21 U.S.C. 355(d)(5) that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested, in the proposed labeling.

These stated deficiencies, for the most part, relate to the fact that none of the clinical studies submitted as part of the application are adequate and well-controlled with the meaning of 21 CFR 130.12(a)(5)(ii) and to the further fact that applicant has not submitted the required animal studies. In its Appearance and Request for a Hearing, applicant did not submit the required animal studies or any new clinical studies which do meet the requirements of 21 CFR 130.12(a)(5)(ii), but has chosen, rather, to argue that such clinical studies and animal studies are not required as follows:

1. Applicant asserts that a controlled, double-blind study comparing Co-Thyro-Bal with a placebo and with its component drugs, Vitamin B_{12} and L-thyroxine, is not humanly possible because it would be too dangerous. (Request, pp. 19-26.) The applicant argues that L-thyroxine is a toxic, potentially lethal drug, and that it can be given safely only with the concurrent protection of Vitamin B_{12}. Specifically, applicant asserts that the dose of L-thyroxine in Co-Thyro-Bal, 0.5 to 1 mg. every two weeks, is a very large dose and could not be tolerated without B_{12}, and (Request, p. 37) that no responsible scientist could be persuaded to give this dose.

However, the Commissioner finds that the dose of L-thyroxine as recommended in Co-Thyro-Bal is not a toxic dose. It is a well-accepted medical fact that L-thyroxine is "toxic" only when an overdose is given, that is when it is administered in larger amounts than the body ordinarily produces on its own. Ingbar & Woeber, "The Thyroid Gland" in "Textbook of Endocrinology," (W. B.

Saunders, 1968) pp. 171–173; "AMA Drug Evaluations" (2d Ed. 1973) p. 229. Full replacement of the body's normal thyroxine production can be achieved with 0.20 to 0.30 mg. of L-thyroxine administered daily. Ingbar & Woeber, "The Thyroid Gland" in "Textbook of Endocrinology," (W. B. Saunders, 1968) p. 254. Further, the body's response to L-thyroxine is slow and not immediate so as to result in immediate toxicity as applicant asserts. Rawson, et al. [Am. J. Med Sci 226: 405–411 (1953)] studied the rise in basal metabolic rate [BMR] that followed intravenous injections of 3 mg. (three times the largest Co-Thyro-Bal dose) in a myxedematous (severely hypothyroid) patient, i.e., the kind of patient most sensitive to thyroxine. The maximum response occurred about ten days after the injection and no acute effects were noted at all. In a study listed by applicant (Reference #90) Strisower and co-worker give six milligrams of pure L-thyroxine weekly to patients for sixteen weeks. The patients eventually became thyrotoxic, of course, but no acute effects were described, again demonstrating that even large doses of thyroxine have little immediate effect. Bernstein and Robbins, "New England Journal of Medicine" 281: 1444–1448 (1969) have also studied the effects of once-weekly acute large doses (2 to 2.5 mg.) of L-thyroxine by mouth (oral thyroxine is approximately 45–65 percent absorbed) on six different patients. This dose, which is equal to the largest single dose of Co-Thyro-Bal recommended, assuming 50 percent absorption of the orally administered thyroxine (however, this dose of Co-Thyro-Bal is administered only every two weeks), caused no acute effects at all, not even tachycardia (fast heart rate), a very sensitive measurement of thyroxine excess. This study demonstrated clearly that whether L-thyroxine was given as daily 0.3 mg. doses or as weekly 2 or 2.5 mg. doses made no detectable difference to the patient or to his clinical status as judged by the authors.

Therefore, considered either as a single dose or as a maintenance dose to be given every one to two weeks, 0.5 to 1.0 mg. of L-thyroxine given as Co-Thyro-Bal (the recommended dose) is not a very large one, since even the largest recommended dose of Co-Thyro-Bal (1.0 mg.) if administered once every two weeks is considerably less than the body's normal bi-weekly production of thyroxine.

It is thus clear that there is no demonstrable immediate effect from a single large dose of L-thyroxine. Many investigators have not hesitated to administer three to six times the largest recommended Co-Thyro-Bal dose to patients without heart disease. The Commissioner finds that there is no merit to applicant's assertion that no one would ever do such a study when such studies have, in fact, often been done. See e.g., the Strisower study cited by applicant as Reference No. 90.

Applicant further asserts, in regard to the alleged danger of conducting controlled clinical studies, that: "It is a well-known medical fact that thyroxine given alone or in the quantity or doses equal to those of Co-Thyro-Bal would in a short time create excess thyroxine in the blood and symptoms." (Request, p. 35.) The Commissioner finds that this statement is clearly and demonstrably false since it runs contrary to basic medical facts which appear in basic medical textbooks. It is well-known that the secretion of thyroxine by the thyroid is regulated by the pituitary gland, and that this regulation consists of a negative feedback mechanism which assures that the proper level of blood thyroxine will be maintained according to the individual's needs. If a euthyroid individual is supplied with exogenous thyroid hormone, his own thyroid gland simply makes less. This decreased thyroid activity can be recognized by measuring the decrease in the thyroid's uptake of iodine. Iodine is an absolute requirement for the manufacture of thyroxine. For most people, between 0.2 and 0.3 mg. of L-thyroxine daily will cause the thyroid gland to stop taking up iodine completely. "Textbook of Endocrinology," supra, pp. 171 to 173. A consequence of this regulation process is that if a normal person is given thyroxine in amounts equal to or less than the body normally makes, the body's production is diminished such that the blood levels remain approximately unchanged. "Textbook of Endocrinology," supra, pp. 171 to 173.

To produce thyrotoxicity the administered dose must thus *exceed* 0.2 to 0.3 mg., the amount of thyroxine needed to replace the body's normal daily thyroxine production. "AMA Drug Evaluations," supra, p. 442. As Bernstein and Robbins, supra, showed, administration of a weekly dose of thyroid hormone larger than that included in Co-Thyro-Bal did not create excess blood thyroxine or symptoms. The blood level of thyroxine before each weekly dose was virtually identical to the blood level when patients received 0.3 mg. daily. As noted above, the patients found both methods of thyroxine administration equally satisfactory and free from toxicity. The recommended maintenance dose of Co-Thyro-Bal, one mg./two weeks, is still considerably smaller than the bi-weekly amount of thyroxine produced by the body in the euthyroid patient or needed for replacement in the hypothyroid patient. Therefore, administering Co-Thyro-Bal to the euthyroid patient reduces the output of the patient's thyroid gland but leaves the total body supply of thyroxine unchanged. Applicant provides evidence of this in his own submission by noting that Co-Thyro-Bal does not increase blood thyroxine levels. (Request, p. 22) Since the recommended dosage of Co-Thyro-Bal is smaller than the usual replacement dose, administering Co-Thyro-Bal in the recommended dose, to the hypothyroid patient would not meet the patient's replacement needs.

Thus, the Commissioner finds that there is no evidence that the amount of thyroxine in Co-Thyro-Bal should be expected to be toxic in the recommended doses. Similar doses have frequently been studied in normal individuals. (Whether even this dose is safe in persons with arteriosclerotic heart disease cannot be known at present. Such persons may be sensitive to even normal doses of L-thyroxine.) The absence of symptoms of hyperthyroidism in Co-Thyro-Bal treated patients is fully predictable from evidence in the medical literature showing that the L-thyroxine dosage contained in Co-Thvro-Bal is not ordinarily toxic. There is thus no basis for asserting that Co-Thyro-Bal is in any way safer than L-thyroxine alone or that there is greater danger in conducting a study with L-thyroxine alone with Co-Thyro-Bal.

Applicant argues that because L-thyroxine without Vitamin B_{12} is so toxic, it is impossible to do the studies needed to satisfy the FDA combination drug policy which would require studies comparing Co-Thyroal, L-thyroxine alone, and cyanocobalamin alone. As detailed above, the Commissioner does not find that this toxicity has been demonstrated. However, it should be stressed further that whether such toxicity exists or not and whether a study of the L-thyroxine alone would be dangerous or not is in part irrelevant, since the Commissioner finds that not even an adequate and well-controlled study comparing Co-Thyro-Bal itself with a placebo has been performed. Such a study would not be dangerous according to the applicant, and would represent an essential part of the evidence needed to satisfy the combination drug policy. It is premature to express concern with meeting the requirements of the Combination Drug Policy when the basic demonstration of the safety and efficacy of Co-Thyro-Bal as an entity has not even been accomplished.

2. Applicant asserts that the evidence that Co-Thyro-Bal is safe and effective is already substantial. Much is made of the normal blood thyroxine levels found in patients receiving Co-Thyro-Bal. This is said to be evidence that Vitamin B_{12} increased "deficient thyroxine turnover" (Request, p. 22) [thyroxine turnover is the rate at which thyroxine is metabolized] and to add "more evidence to the fact that cyanocobalamin prevents thyrotoxicity". (Request, p. 35). The Commissioner finds that this information regarding normal blood thyroxine levels in Co-Thyro-Bal patients does not lend evidence to a theory that Vitamin B_{12} prevents thyrotoxicity, but merely supports the fact that Co-Thyro-Bal does not contain a toxic dose of thyroxine at all. Further, if applicant wished to assert that Vitamin B_{12} increases thyroxine turnover, it should measure the turnover, a well-described experimental technique, which it did not do. See e.g., "Textbook of Endocrinology," supra, p. 173. It is worth noting that in applicant's Reference #76, the patient with anemia and thyrotoxicosis had no fall in her protein bound iodine (PBI) when Vitamin B_{12} was given, although she had a

clear hematological response to the vitamin.

The Commissioner finds that the animal studies submitted to support the contention that Vitamin B_{12} "detoxifies" thyroxine are not relevant since the thyroxine dose in question is not a toxic dose. The studies, at most, imply only that thyrotoxic animals need more Vitamin B_{12} than do normal animals, a fact which is not in question. The studies do not show any sort of reversal of "calorigenic side reactions," (Request, p. 34) as applicant asserts, nor do their authors, for the most part, claim any such thing. Most of the studies (for example numbers 53, 54, 56, 58–60, 62, 63, 68, 69, 72) were conducted using a low Vitamin B_{12} diet in weanling rodents to produce a condition of Vitamin B_{12} deficiency. This deficiency resulted in poor growth and other abnormalities. The description of this technique is stated clearly in Reference #59: "The requirement of the growing animal for certain dietary essentials can be increased by inducing a hyperthyroid condition." This in no way suggests that Vitamin B_{12} behaves as a general antagonist to thyroid hormone. Other references, such as number 73, assert that Vitamin B_{12} does reverse thyrotoxic changes, but these references do not measure oxygen consumption, basal metabolism rate, etc. The Commissioner finds that there is no basis for the claim that Vitamin B_{12} blocks the calorigenic effects of thyroxine, since this was not investigated.

3. Applicant asserts that two of the studies (Wren and Russek) were adequate and well-controlled, even though they are not double-blind, since the objectives of the study were clearly stated, they were controlled and assured comparability of test and control groups by appropriate laboratory tests and clinical evaluation, and bias on the part of the observer was avoided by the use of objective findings.

The claimed indications for Co-Thyro-Bal are: (1) Hypercholesterolemia in euthyroid patients, with or without organic heart disease; (2) Hypothyroidism, with or without cardiac disease; and (3) in patients who become thyrotoxic with other types of thyroid medication. Neither the Russek or the Wren study investigated patients with documented hypothyroidism. Although the applicant asserts in the NDA that there are many people who are hypothyroid despite normal blood thyroxine levels, there is no satisfactory evidence in the medical litterature which shows there is a significant population of such individuals. The Commissioner finds there is no basis for asserting that the patients studied by the applicant, who had a wide variety of complaints, were hypothyroid. "Vague symptoms suggestive of hypometabolism should not be treated indiscriminately with thyroid preparations" "AMA Drug Evaluations," supra, p. 442.

There are many laboratory tests that can document hypothyroidism, including protein bound iodine (PBI), thyroxine iodine, and radio-iodine uptake. These tests, for the most part, were not used in the submitted studies and when PBI was measured, it was generally normal in these patients. Since the patients included were not demonstrably hypothyroid, these submitted studies offer no proof of the validity of indications two and three which relate to the treatment of the hypothyroid patient. The studies furthermore do not provide the merest hint of evidence that Co-Thyro-Bal is effective in Hypercholesterolemia.

The Russek "study" is a one page report. The summary provided offers no hint of control population, except for mentioning the administration of a placebo (it is not clear to whom it was administered). Oral thyroid was also administered to all patients in addition to 0.5 mg. of L-thyroxine given intravenously. Weekly cholesterol was measured and no change was noted. Of 58 patients with angina pectoris, 40 reported subjective improvement, but only eight showed improved exercise tolerance. Without a carefully chosen control population and double-blinding, [21 CFR 130.12(a)(5)(ii)(a)(1), (4)] this study means little. The Commissioner finds that this study, on its face, is not an adequate and well-controlled study within the meaning of 21 CFR 130.12(a)(5)(ii) and therefore does not support a claim of efficacy of Co-Thyro-Bal in hypercholesterolemia.

In the Wren study two kinds of controls are involved. In one case 74 mostly euthyroid patients were divided into two groups of 37 each. One group was given dessicated thyroid with added vitamins, not incluing vitamin B_{12}; the second group of 37 received, in addition to oral thyroid, Co-Thyro-Bal weekly. Dr. Wren's conclusion was "There was no significant differences in either the objective or subjective findings between the group receiving only oral treatment and the group receiving both oral and parenteral treatment."

Both of these groups of 37 appeared to do better than a group of conventionally treated (that is, no thyroid) patients with arterioslerotic heart disease. These untreated patients represent a second kind of control, but one not relevant to the issue at hand. Apart from the question of whether any thyroid therapy is really desirable in patients with angina pectoris, this study supports the thesis that Co-Thyro-Bal made absolutely no difference. The Commissioner finds that this study, on its face cannot possibly support a claim for the efficacy of Co-Thyro-Bal in the treatment of hypercholesterolemia and in fact provides some evidence that Co-Thyro-Bal is ineffective.

The Commissioner, thus finds that these two studies provide no evidence for the effectiveness of Co-Thyro-Bal in lowering cholesterol. The hearing request implies that the FDA is stubbornly requesting studies of extraordinary purity, and suggests that the Wren and Russek studies were basically sound and are "merely" lacking double-blindness. These studies not only fail to provide evidence of efficacy, the conclusions of the authors specifically deny such efficacy since they conclude that adding Co-Thyro-Bal to oral thyroid medication made no difference at all.

One of the inadequacies in both these studies and the three additional studies discussed below is that the patients received oral thyroid in varying dosages as well as Co-Thyro-Bal thus making any evaluation of any alleged beneficial effects of Co-Thyro-Bal difficult. Applicant's request for a hearing suggests that the fact that the patients received concomitant oral thyroid preparations does not prevent the studies from being adequate and well-controlled since all subjects had oral thyroid vitamin medication and it was thus a constant. The presence of an oral thyroid-vitamin combination may have been fairly constant, but the dose was quite variable in most studies (with the exception of the Wren study) and therefore it was not a constant factor in treatment groups at all. Further, in Dr. Wren's study, the oral dose was constant and patients were entirely unaffected by Co-Thyro-Bal.

The remaining three studies are entirely uncontrolled, as follows:

The Brusch study is merely a collection of case reports, and not a study. Worse, cholesterol readings "were disregarded [because] measuring the cholesterol blood levels in these patients, although interesting, does not supply any information which might help the progress of treatment." Progress was followed by measuring, without placebo control, a series of wholly subjective complaints, such as pre-cordial pain, palpitations, fatigue, weakness, exhaustion, nervousness, irritability, depression, anxiety, headache, dizziness, coldness, and forgetfulness. The difficulty of avoiding placebo effect in such determinations is well-known. In any case, cholesterol was not measured, and no evidence of hypothyroidism is given. The Commissioner finds that this "study" on its face is not adequate and well-controlled within the meaning of 21 CFR 130.12(a)(5)(ii), since it does not meet the requirements of 21 CFR 130.12(a)(5)(ii)(a) (2), (3), and (4) and therefore provides no evidence for any of the claimed indications for Co-Thyro-Bal.

The Wolczak study offers no data other than a statement that 8,000 injections were administered without ill effects. No cholesterol measurements were provided. Symptoms for these patients included fatigue, depression, poor sleep patterns, muscle soreness, chest pain, shortness of breath, etc., all entirely subjective. The Commissioner finds that this is not an adequate and well-controlled study within the meaning of 21 CFR 130.12(a)(5)(ii) since it does not meet any of the requirements and that it therefore provides no support for any of the claimed indications of Co-Thyro-Bal.

The Israel study is wholly uncontrolled. These euthyroid patients were treated with various amounts of dessicated thyroid, making the contribution of Co-Thyro-Bal impossible to assess. There is

also a need for an untreated control population to provide some estimate of the expected variation in the treatment population, to control for placebo effect on the subjective measurements, and to control for changes in cholesterol measurement techniques over the years. Apart from observing decreased cholesterol levels in some patients, the study draws two conclusions; first, the amount of L-thyroxine given as Co-Thyro-Bal should have been toxic (average 0.8 mg.) but was not. Second, the patients have more energy and fewer symptoms that would be expected in persons their age. The symptoms include anginal syndrome, precordial distress, tight feeling in the chest, tiredness, dizziness, depression, backache, cough, headache. All these are highly subjective and notoriously difficult to study without careful controls. The conclusion drawn, that the relief of symptoms "must be attributable to this increased thyroxine turnover" is unwarranted. As noted earlier, it is perfectly easy to measure thyroxine turnover ("Textbook of Endocrinology," supra, p. 173) if this was desired. Therefore the Commissioner finds that this is not an adequate and well-controlled study within the meaning of 21 CFR 130.12(a)(5)(ii) since it does not meet any of the requirements and it therefore provides no support for any of the claimed indications of Co-Thyro-Bal.

Applicant argues that a controlled, double-blind study is not needed in the present situation. Specifically it asserts:

(a) Double-blind control studies are only needed if:

(i) The chemical formula is new.

(ii) The drug is used to treat a specific symptom of illness.

(iii) It is an antimetabolite.

(b) In a long-term study controls are not really needed since, if the medication doesn't really work, the patient's faith will fade and he will leave the study.

(c) The improvement seen in treated patients is objective, not subjective, so that blinding is not needed.

The third of these assertions has been dealt with above. The basis for the other assertions is extremely obscure. The regulations specifically state that a drug is a "new drug" within the meaning of the Act by reason of "the newness for a drug use of a combination of two or more substances, none of which is a new drug" 21 CFR 130.12(h)(2). Therefore, Co-Thyro-Bal is a "new drug" that must be adequately tested, even though it is composed of two known components. Double-blinding is a well-established technique for minimizing the placebo effect and observer bias. A control population is needed so that normal variations can be recognized. These are as important in studying a proposed new use of a drug as in studying a new drug entity, more important in studying treatment of a "non-specific" symptom than a specific one, and essential to a variety of studies not involving antimetabolites (for example, studies of analgesics, tranquilizers, sedatives, etc.).

The Hearing Request asserts that "an absolutely honest, unbiased evaluation has been made of every single factor" and that "in a long term treatment, wishful thinking does not complicate any evaluation of therapeutic effect". (Request, p. 22).

There is no suggestion that the investigator's evaluation of the Co-Thyro-Bal has been dishonest. The fact is, however, that double-blindness is particularly vital in determining efficacy when the claimed benefits of treatments are subjective. While the applicant asserts that objective criteria of improvement were evaluated, its data belies this, as discussed above. Apart from cholesterol, which was either not measured or did not change, the improvements detected are subjective. The studies submitted are very much in need of carefully chosen controls and double-blinding. The Commissioner finds that applicant has not presented any reasons why double-blind studies, as specified in 21 CFR 130.12(a)(5)(ii) should not be required.

4. Animal studies: Applicant argues that the existence at one time of an Investigational New Drug exemption for Co-Thyro-Bal means that Co-Thyro-Bal has met all requirements for acute and chronic animal studies. This is not the case. The granting of an Investigational New Drug exemption merely indicates that enough studies have been done to permit the commencement of human studies. Animal studies may still be, and often are, required when they are reasonably applicable to determination of the safety of the drug 21 CFR 130.4 Par. 10(a) of the NDA form. Applicant admits that animal studies have been required of it by the FDA. (Request, pp. 11–13). Applicant stresses that thyroid and vitamin B_{12} are not new drugs. However, the two of them when combined in a fixed dosage for administration and when labeled with certain indications create a new drug. [21 CFR 130.1(h)(2)]. It is this new drug which must be adequately tested. The Commissioner finds that applicant has not submitted the necessary animal studies with its request for a hearing.

IV. Submission of Edward "Whitey" Ford, Member of Board of Directors, Vascular Research Foundation, including approximately 200 letters from patients who are being treated with Co-Thyro-Bal.

The two-hundred and twenty-nine patient statements (approximately 200 letters) addressed to the Hearing Clerk and requesting a hearing, were prompted by Mr. Ford's communication to them regarding the potential discontinuance of Co-Thyro-Bal treatment in the event of Dr. Israel's demise prior to approval of the drug for marketing.

Numerous symptoms and disease conditions were cited by the subjects as being effectively treated by Co-Thyro-Bal, e.g., "symptoms of thyroid deficiency", diabetes and/or impaired vision due to retinitis, hemorrhage, arteriosclerosis, and other conditions. Results claimed included relief of pain, depression, restoration of sight, increased energy and work capacity, better ability to cope with daily stresses and pressures, feeling and looking younger. Several claimed a "life-saving" effect after the patient's failure to get help from other physicians. Several advocated it as a "preventive measure" to maintain health and well-being, prevent aging, etc.

The testimonial statements by patients contribute no scientific data as a basis for evaluating the safety and efficacy of Co-Thyro-Bal.

In a letter to the Associate Commissioner for Compliance, dated August 10, 1973, applicant's legal counsel submitted tabulations compiled by the Vascular Research Foundation of the numbers of individuals of "subjects" according to (a) Associated Chronic Disease States and (b) Signs and Symptoms of Hypothyroidism.

The applicant's tabulation of numbers of subjects in various associated chronic disease categories, and in various hypothyroid symptomatic categories provide no valid quantitative scientific data in support of the safety and efficacy of Co-Thyro-Bal for the proposed indications.

V. *Legal arguments.* Applicant asserts that the studies submitted constitute "substantial evidence" within the meaning of 21 U.S.C. 355(d). The studies do not constitute substantial evidence for the claimed indications since, as explained in great detail above, the studies constitute no evidence at all for the claimed indications. There is not one single submission "on the basis of which it could fairly and responsibly be concluded * * * that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof." 21 U.S.C. 355(d).

Applicant asserts that the studies are adequate and well-controlled in conformity with the principle set forth in 21 CFR 130.12(a)(5)(ii). As explained in detail above, not one of the studies conforms to the principles set forth in 21 CFR 130.12(a)(5)(ii) and therefore none of the studies is adequate and well-controlled within the meaning of 21 U.S.C. 355(d). In reaching this conclusion the absence of "double-blind" or "randomization" techniques is noted, but is not relied on exclusively, as suggested by applicant, since there are other inadequacies in the studies, as explained above, as well as the absence of the "double-blind" and "randomization" techniques. Further, if Co-Thyro-Bal were a drug which could be studied appropriately without such techniques, non-double-blind studies would be acceptable. There is no reason to believe that this is the case, since applicant's objections to such studies relate to the alleged "danger" of administering thyroxine alone. As stated above, there is no danger in administering to individuals without heart disease, amounts of thyroxine less than the amounts normally produced by the body in the euthyroid

patient or amounts less than that necessary for replacement in the hypothyroid patient.

Applicant places great stress on the fact that applicant reports numerous administrations of the drug over 23 years and that there have been no reports of thyrotoxicity. As stated before, the dose of thyroxine is such that thyrotoxicosis should not be anticipated. It should therefore be no particular surprise that it did not occur. Moreover, extensive use of a drug does not constitute "substantial evidence" within the meaning of the Act. Upjohn Co. v. Finch, 422 F. 2d 944 (C.A. 6, 1970).

Applicant asserts, citing Weinberger v. Hynson Westcott, and Dunning, —— U.S. —— 93 S. Ct. 2469 (C.A. 4, 1973), that it has met the threshold burden of showing substantial evidence, and is therefore entitled to a hearing. However, Hynson, supra, specifically upholds the validity of FDA's summary judgment procedure when withdrawing a drug from the market. It is proper for FDA to deny a hearing: "where it is apparent at the threshold that the applicant has not tendered any evidence which on its face meets the statutory standards as particularized by the regulations * * * There can be no question that to prevail at a hearing an applicant must furnish evidence stemming from 'adequate and well-controlled investigations.' We cannot impute to Congress the design of requiring, nor does due process demand, a hearing when it appears conclusively from the applicant's 'pleadings' that it cannot succeed." [Emphasis by the Court]. 93 S. Ct. at 2478

Hynson, supra, is of no help to applicant since applicant has not tendered *any* evidence which *on its face* meets the statutory requirements.

VI. *Findings.* The Commissioner, based on the information before him and a review of the medical documentation and legal arguments offered to support the claims of effectiveness for Co-Thyro-Bal, finds that there is a lack of substantial evidence that Co-Thyro-Bal has the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in its labeling, that the legal arguments are insubstantial, and that Edison Pharmaceutical Co., Inc., and Edward "Whitey" Ford, et al. have failed to set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing.

The Commissioner finds that no evidence whatever has been submitted regarding the effectiveness of Co-Thyro-Bal for any of its claimed indications and thus it cannot be found to be effective for any of its indications. The evidence submitted to support effectiveness is of extremely poor quality and does not even begin to support the three listed indications.

Therefore the new drug application (NDA 16-865) is not approvable on the basis of a lack of substantial evidence of effectiveness.

Further, the new drug application NDA 16-865 is not approvable on its face because it does not contain the matter required by 21 U.S.C. 355(b)(2)-(6) and (d) (3) and (6).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120) the request for an evidentiary hearing is denied. Notice is given that the NDA for Co-Thyro-Bal (NDA 16-865) is not approvable.

Dated: October 26, 1973.

ALEXANDER M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-23296 Filed 10-31-73;8:45 am]

Office of the Secretary

SOCIAL SERVICES AND HUMAN DEVELOPMENT

Organization and Functions

Part I of the Organization and Functions Statement of the Department of Health, Education and Welfare is amended to delete from Chapter 1-G.3 the Deputy Assistant Secretary (Program Analysis-Income Maintenance and Social Services) and to substitute therefor:

3. The Director of Social Services and Human Development.

Section 1-G.20 Functions is amended to delete paragraph D and substitute for it:

"D. The Director of Social Services and Human Development is responsible for planning, analysis, and evaluation of policy in the areas of social services and human development. Specific functions include overseeing and assisting in the development of forward planning and R&D and evaluation in SRS and HD; providing policy coordination on the development of legislative, regulatory, and programmatic proposals for SRS and HD; performing and overseeing HD and SRS performance of evaluations of specific program operations and effectiveness; evaluation and analysis of program structure and functions, such as interrelationships of social services policy change with income maintenance, health and education policy; the incentive structures in current and potential social services policy which would affect State, community, and individual behavior; examination of broad range of Federal subsidies for social services—*e.g.*, including subsidies for purchase of services now in the income tax system; target group and special problem research and analysis, including examination of the cumulative impact of Federal and other programs on specified target groups, comparison of program to date on needs, and inductive development of policy recommendations; and development of dynamic models of changes in target populations, and interaction effects with Federal program policies."

Dated October 10, 1973.

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

[FR Doc.73-23312 Filed 10-31-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-277]

PEACH BOTTOM POWER STATION, UNIT 2

Notice of Availability of Initial Decision and Issuance of Operating License

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulation in Appendix D, sections A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an Initial Decision dated September 14, 1973, by the Atomic Safety and Licensing Board in the above-captioned proceeding authorizing issuance of an operating license to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company (licensees) for authorization to operate the Peach Bottom Unit 2 facility located in York County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Martin Memorial Library, 159 East Market Street, York, Pennsylvania 17401.

The Initial Decision is also being made available at the Office of State Planning and Development, 510c Finance Building, Harrisburg, Pennsylvania 17120, and at the York County Planning Commission, 1320 West Market Street, York, Pennsylvania 17404.

The Decision of the Atomic Safety and Licensing Board modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Directorate of Licensing relating to the construction of the Peach Bottom Atomic Power Station. A copy of this Final Environmental Statement is also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR, Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement dated April 1973. As required by section A.11 of Appendix D, copies of the Initial Decision by the Atomic Safety and Licensing Board and the Final Environmental Statement have been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Pursuant to the above-mentioned Initial Decision, the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to DPR-44 Facility Operating License to Philadelphia Electric Company, et al. for operation of the Peach Bottom Atomic Power Station, Unit 2, a boiling water reactor, at steady state reactor core levels not to exceed 3293 megawatts thermal.

In addition to the Initial Decision, copies of (1) Amendment No. 1 to DPR–44, Facility Operating License, (2) Order, dated May 11, 1973, (3) Facility Operating License DPR–44, (4) the report of the Advisory Committee on Reactor Safeguards, dated September 21, 1972, (5) the Directorate of Licensing's Safety Evaluation, dated August 11, 1972, (6) Supplement No. 1 to the Safety Evaluation, dated December 11, 1972, (7) Supplement No. 2 to the Safety Evaluation, dated May 23, 1973, (8) Supplement No. 3 to the Safety Evaluation, dated October 1973, (9) the Final Safety Analysis Report and amendments thereto, (10) the applicant's Environmental Report, dated June 4, 1971, and supplements thereto, (11) the Draft Environmental Statement dated October 1972, and (12) the Final Environmental Statement, dated April 1973, are also available for public inspection at the above-designated locations in Washington, D.C., and York, Pennsylvania. Single copies of the Initial Decision and Order by the Atomic Safety and Licensing Board, Facility Operating License DPR–44 and Amendment No. 1 thereto, the Final Environmental Statement, and the Safety Evaluation and amendments may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 25th day of October 1973.

For the Atomic Energy Commission.

WALTER A. PAULSON,
Acting Chief, Boiling Water Reactors Branch No. 1 Directorate of Licensing.

[FR Doc.73–23249 Filed 10–31–73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE BRUNSWICK STEAM ELECTRIC PLANT

Notice of Meeting

OCTOBER 30, 1973.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on the Brunswick Steam Electric Plant, Units 1 and 2 will hold a meeting on November 16, 1973, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to review the application of the Carolina Power and Light Company for a license to operate Units 1 and 2, which are located in Brunswick County, North Carolina, about 20 miles south of Wilmington, North Carolina.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

FRIDAY, NOVEMBER 16, 1973, 9 A.M.–3:30 P.M.

Review of the application for an operating license (presentations by the AEC Regulatory Staff and the Carolina Power and Light Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to plant security, radwaste system design, electrical system design, and nuclear fuel design, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than November 9, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and the Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 p.m. and 3 p.m. on the day of the meeting, November 16, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on November 14, 1973, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Standard Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within approximately nine days at the Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after January 15, 1974. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.73–23427 Filed 10–31–73;9:57 am]

GENERAL ADVISORY COMMITTEE RESEARCH SUBCOMMITTEE

Notice of Meeting

OCTOBER 30, 1973.

In accordance with the purposes of section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the General Advisory Committee's Research Subcommittee will hold a meeting on November 14 and 15, 1973 at the AEC offices at 1717 H Street NW., Washington, D.C. (Room 1046).

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

9:30 a.m.–12:30 p.m. Wed., Nov. 14—Discussion with James L. Liverman, Asst. Gen. Mgr. for Biomedical and Environmental Research and Safety Programs, and a representative each from Environmental Protection Agency and National Institute of Environmental Health Sciences concerning research activities in the field of environmental health and related research.

In addition to the above agenda item, the Subcommittee will meet with Dr. Liverman and hold executive sessions not open to the public under the authority of section 10(d) of Public Law 92–463 (Federal Advisory Committee Act) to exchange opinions and formulate recommendations on the AEC long-range basic research program. I have determined that it is necessary to close these portions of the meeting to discuss certain information that is privileged and falls within exemption (4) of 5 U.S.C. 552(b), and to exchange opinions and formulate recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the above agenda items, the following requirements shall apply:

(a) Persons wishing to submit written statements on the agenda item noted above may do so by mailing 12 copies thereof, postmarked no later than November 7, 1973, to the Secretary, General Advisory Committee, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on November 13 to the Office of the Secretary to the Committee (telephone: 301–973–5637) between 8:30 a.m. and 5:15 p.m., Eastern Standard Time.

(c) Questions may be propounded only by members of the Committee.

(d) Seating for the public will be available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes of the public session will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after November 30, 1973 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.73-23428 Filed 10-31-73;9:58 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21498, 25877; Order 73-10-96]

EASTERN AIR LINES, INC.

Order Granting Temporary Suspension of Service and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of October 1973.

On May 30, 1973, Eastern Air Lines, Inc. (Eastern) filed an application requesting a continuation of authority, originally granted to Caribair, to suspend service temporarily at Mayaguez, Puerto Rico, and at St. Kitts and Grenada, Associated States of Great Britain.[1] The carrier requests that authority to suspend service at St. Kitts and Grenada continue in effect until the expiration of the temporary authorization to serve those points[2] or until final decision on any application for renewal of such authority; and that service at Mayaguez be suspended for an indefinite period of time.

On September 7, 1973, Eastern filed an application in Docket 25877 requesting deletion of Mayaguez from its certificate of public convenience and necessity for route 59.

In support of its application for suspension, Eastern alleges, inter alia, that the airports at Mayaguez, St. Kitts, and Grenada are inadequate for the turbojet aircraft which Eastern proposes to use over Caribair's system; that available communications facilities at Mayaguez do not meet the requirements of Part 121 large aircraft operations; and that continued suspension will not result in a loss of air service at any of the points since there is ample air taxi and foreign-flag air carrier service available.

The Commonwealth of Puerto Rico (Puerto Rico) filed an answer in opposition to Eastern's renewal application insofar as it relates to Mayaguez.[3] Puerto Rico contends that the carrier submitted no forecast of economic results for Mayaguez service; that Caribair's suspension resulted solely from its precarious financial condition; that improvements to the Mayaguez Airport, including repair of the last 800' of the runway and installation of a new FAA control tower, will be completed by mid-August 1973, thus making the airport adequate for jet operations; and that traffic growth at Mayaguez demonstrates the economic feasibility of jet service by Eastern at that point.

Eastern filed a reply, detailing the factors which it considers render the airport inadequate under present conditions for jet operations, and asserting that even with improvements contemplated by Puerto Rico, the airport will be substandard for Eastern's jet operations. Eastern further asserts that the high level of service presently provided by air taxis between San Juan and Mayaguez precludes Eastern from providing an economically viable service in the market.

Puerto Rico and Eastern each subsequently filed motions for leave to file otherwise unauthorized documents,[4] together with further responsive pleadings. Each of these pleadings disputes the factual assertions and conclusions of the other party regarding the adequacy of the Mayaguez Airport and the economic viability of future Eastern operations in the market.

Upon consideration of the pleadings and all the relevant facts, we have decided that Eastern should be authorized to continue its present suspensions of service at the three points in question, and that the future air service needs of Mayaguez should be examined in a formal proceeding. Thus, we will set for hearing Eastern's application in Docket 25877 for deletion of Mayaguez from its certificate, and continue the carrier's suspension at the point until 60 days after final decision in that investigation. The suspensions of service at St. Kitts and Grenada will continue until March 21, 1974, when Eastern's temporary authority to serve those points expires under the terms of its certificate for route 59.

The considerations which warranted previous grants of authority to suspend service at St. Kitts and Grenada warrant further authorization. We find that the airports are presently inadequate to accommodate Eastern's jet aircraft, and that adequate alternative air transportation is available at both points. Service at St. Kitts is provided by an air taxi operator and a foreign-flag carrier,[5] while Grenada is served by a foreign-flag carrier.[6] Thus, continued suspension of Eastern's services will not result in significant inconvenience to the traveling public and is in the public interest.

[1] See Orders 69-10-157, dated October 31, 1969; 70-4-140, dated April 28, 1970; 70-5-138, dated May 28, 1970; 70-10-119, dated October 27, 1970; 70-11-92, dated November 19, 1970; and 71-4-157, dated April 23, 1971. The present authorization expired 90 days after final decision in the Caribair-Eastern Merger Case, Docket 22690, or August 13, 1973. The carrier has invoked the automatic extension provisions of section 9(b) of the Administrative Procedure Act (5 U.S.C. 558), pending final determination of this renewal application.

[2] The authority to serve St. Kitts and Grenada will expire on March 21, 1974.

[3] No answers have been filed with respect to suspension at St. Kitts and Grenada.

[4] We will grant the motions of both parties.

[5] Prinair provides two -daily round-trip, commuter flights between San Juan and St. Kitts, while Leeward Islands Air Transport Services provides three daily round trips between San Juan/Virgin Islands and St. Kitts. (OAG, Sept. 1, 1973).

[6] Leeward Islands Air Transport Services provides daily service between Grenada and numerous Caribbean points, including San Juan. (OAG, Sept. 1, 1973).

We find it unnecessary to resolve the many disputed issues raised by the pleadings of Eastern and Puerto Rico in view of our determination to hear on an evidentiary record the conflicting contentions of the parties with regard to both the airport and the economics of service at Mayaguez. In the interim, serious questions remain concerning the condition of the airport at Mayaguez, particularly in regard to its suitability for the turbo-jet aircraft Eastern uses in the Caribbean. Moreover, air taxis operate numerous flights to Mayaguez. Finally, commencing operations at Mayaguez would result in expenditures for Eastern that ultimately might prove needless, depending upon the outcome of the hearing we are ordering, although a continuation of Eastern's suspension will not deprive passengers or shippers of any service which they now enjoy. In these circumstances, we find that the continuation of Eastern's suspension at Mayaguez pending final Board decision on the carrier's deletion application is in the public interest.

Finally, we have determined that final Board action in this proceeding may constitute a major Federal action which might significantly affect the quality of the human environment within the meaning of section 102 of the National Environmental Policy Act of 1969 since an eventual result of this proceeding could be the reinstitution of certificated airline service at Mayaguez. Accordingly, this proceeding will be conducted in accordance with the standards and procedures set forth in section 399.110 of the Board's Policy Statements. In addition, we are directing the Director, Bureau of Operating Rights, to prepare and circulate a draft environmental statement prior to the hearing for consideration and comment by the parties, other environmentally concerned Federal agencies, and other interested persons. The Director is hereby authorized to make such requests for data and other material of the parties as he deems necessary for the preparation of the environmental statement. The parties, under direction of the Administrative Law Judge assigned to the proceeding, will be expected to comply fully with such requests and any procedural dates established in connection therewith.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., in Docket 25877, for deletion of Mayaguez, Puerto Rico, from its certificate of public convenience and necessity for route 59, be and it hereby is set for hearing at a time and place to be hereafter designated; [1]

2. Eastern Air Lines, Inc., be and it hereby is authorized to suspend service temporarily at Mayaguez, Puerto Rico, until 60 days after final decision on its application in Docket 25877 for deletion of Mayaguez from its certificate;

3. Eastern Air Lines, Inc., be and it hereby is authorized to suspend service temporarily at St. Kitts and Grenada, Associated States of Great Britain, until March 21, 1974;

4. This order shall be served on Eastern Air Lines, Inc.; Air Line Pilots Association, International; Mayor, City of Mayaguez; Governor, Commonwealth of Puerto Rico, and the Puerto Rico Department of Health; Airport Manager, Mayaguez Airport; Governor of St. Kitts; Governor of Grenada; Airport Manager, Golden Rock Airport, St. Kitts; Airport Manager, Pearls Airport, Grenada; the Postmaster General; the Departments of Commerce, Health, Education and Welfare, and Transportation; the Environmental Protection Agency; the Council on Environmental Quality; and the National Aeronautics and Space Administration; and

5. The motions of the Commonwealth of Puerto Rico and Eastern Air Lines, Inc., for leave to file otherwise unauthorized documents, be and they hereby are granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-23306 Filed 10-31-73;8:45 am]

[1] The hearing shall determine whether the public convenience and necessity require that Eastern's certificate be altered, amended, or modified so as to suspend or delete Mayaguez. As an alternative to amending Eastern's certificate, we shall place in issue whether the public interest requires the temporary suspension of service by Eastern, with or without conditions. Also at issue will be the impact on the human environment of final Board action in this proceeding.

[Docket No. 25519; Order 73-10-99]

MEMBER CARRIERS OF THE NATIONAL AIR CARRIER ASSOCIATION

Order Approving Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October, 1973.

By application filed October 11, 1973, the member carriers of the National Air Carrier Association (NACA) [1] request the Board to extend for a period of 90 days the authorization granted in Order 73-6-79 (June 19, 1973) for U.S. and foreign air carriers to engage in discussions relating to transatlantic passenger charter rate, subject to the same conditions previously imposed by the Board.[2]

The previous discussions authorized by the Board took place in Brighton, England, in July/August of this year, but were unsuccessful in their goal of reaching an inter-carrier agreement concerning minimum transatlantic charter rates. The NACA carriers, in support of their request, state that although this summer's meetings did not produce an agreement, they were nevertheless useful and constructive, and that an opportunity for further discussion should be afforded. The carriers go on to cite the Boards evaluation of the unfavorable economic conditions in transatlantic air service, both in its order originally authorizing discussions and in its notice of proposed rulemaking proposing establishment of minimum transatlantic charter rates issued September 7. The applicants allege that the need for continued discussions has become even more acute by reason of the rapidly worsening fuel situation. Finally, the petitioners state that Pan American World Airways, Inc., and Trans World Airlines, Inc., have authorized them to state that those two carriers join in the request.

Comments in opposition to the NACA carriers' application have been filed by 56 Prominent U.S. Independent Tour Operators (Tour Operators). The Tour Operators contend that the two purposes for which the Board originally authorized discussions no longer exist. First, facilitation of an IATA agreement on 1974 fares is no longer necessary because agreement has since been reached. The second purpose was to firm up charter rates which appeared to be uneconomic. This second purpose, the Tour Operators contend, has since been superseded by several developments; namely; the fact that a large amount of charter capacity for 1974 has already been committed; the market is a seller's market and all of the supplemental carriers are fully booked for the summer of 1974; charter rates for 1974 are substantially in excess of those which prevailed in 1973; and the Board has issued a notice of proposed rulemaking looking toward establishment of minimum charter rates. The Tour Operators contend that the agreement sought by the charter carriers to protect against unanticipated and drastic increases in the price of fuel after they have entered into firm charter contracts is a make-weight argument which has no substance in that carriers are individually capable of using escalation clauses where permitted by government regulations.

Upon consideration of all the points raised in the application and the objection, the Board has decided to grant the request, subject to the same conditions enumerated in our original order of approval.

We are unable to accept the argument, advanced by the Tour Operators, that the economics of transatlantic operations have improved so significantly as to remove the circumstances which prompted our initial approval of discussions. To the contrary, it appears clear that the unsatisfactory operating results from transatlantic air service, which the Board addressed in its earlier order, continue to exist. In the interim, the situation has been exacerbated by the possibility of a significant fuel shortage and attendant sharp rises in fuel costs. While it may be that carriers could adopt an escalator clause individually in negotiating their charter contracts, we believe it unlikely in view of the competitive pressures involved. In any event, we are not persuaded that it would be contrary to the

[1] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[2] The initial 120-day authorization expired on October 17.

public interest to permit discussions looking toward a mutually acceptable agreement on this one element of cost.

In light of these considerations we cannot conclude that a 90-day extension of the authorization to discuss would be adverse to the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof,

It is ordered, That:

1. All U.S.- and foreign-flag carriers holding certificate or permit authority to provide passenger charter services on the North Atlantic may engage in discussions, for a period not to exceed 90 days from the date of service of this order, on the subject of rules, practices, procedures, and minimum rate levels applicable to transatlantic passenger charter service, and the relationship of charter rates to fares in scheduled service;

2. The director of the Bureau of Economics be given at least 48 hours' notice of the time and place of the meetings;

3. The carriers keep complete and accurate minutes of such discussions and that a true copy of such minutes and all documentation be filed with the Board's Docket Section not later than two weeks after close of each meeting;

4. Any interested person may advise a direct air carrier participant of his interest in these discussions and upon request all meeting notices and agendas shall be mailed to such interested third person with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearance;

5. Any agreement or agreements reached as a result of such discussions be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or otherwise placed in effect; and

6. This order be served upon all U.S.- and foreign-flag carriers holding certificate or permit authority to provide passenger charter service on the North Atlantic, and on counsel on behalf of 56 prominent U.S. independent tour operators.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-23307 Filed 10-31-73;8:45 am]

[Docket 25280]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North Atlantic Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of October, 1973.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements comprise the overall North Atlantic cargo rate structure, and were adopted by the recessed July, 1973 North Atlantic Traffic Conference held in Geneva. Agreement C.A.B. 23889 encompasses rates between the United States and Africa,[1] and was adopted for intended effectiveness from October 1, 1973 through September 30, 1975. Agreement C.A.B. 23892 covers rates between the United States and the remainder of IATA Traffic Conference 2 (defined as Europe/Middle East), and was adopted for a one-year period of effectiveness intended for implementation on January 1, 1974.

Significant changes are proposed in the existing cargo rate structure. Minimum charges between the United States and Europe/Middle East are proposed to be increased by $2.00 for the cities of Boston/New York/Hartford/San Juan, while reductions are proposed in minimum charges to/from other U.S. points to standardize the minimum charge differential between gateways and interior points at $3.00 (See Appendix A).

General cargo rates between the United States and Europe would remain at status quo for the under-45 kg. and 45 kg. weightbreaks, while higher weightbreak (100, 300, 500 kg.) rates would be raised by six cents per kg. for an increase ranging from three to seven percent.[2]

Specific commodity rates would generally be increased by a uniform six cents per kg. for eastbound shipments, and four cents per kg. for westbound shipments. Resultant percentage increases are in the 5–10 percent range for eastbound traffic, and 4–7 percent for westbound traffic. Most 45 kg. weightbreaks, in both directions, would be eliminated.[3] The agreement also includes high weightbreak rates for shipments of at least 30,000 kgs. of a single commodity, in major U.S.-Europe markets. Selected examples are outlined in Appendix C.

Resolution 534a governing bulk unitization charges would be amended to eliminate descriptions and rates for the Type 10 container (half-size lower-deck device at 139.00 cu. ft. average external volume), while descriptions and rates for two new unit-load devices would be added.[4] Present pivot weights are to be retained, with minimum charges at the pivot weight to be increased by six cents per kg. Over-pivot rates would also be increased by six cents per kg., but a second "pivot weight," roughly corresponding to a density of 12.1 lbs. per cu. ft.,[5] would be added above which the rate per kilogram would be reduced ten cents below present over-pivot rates. Appendix D compares the two systems in greater detail for representative containers.

A new resolution, 045e, would establish minimum rates for cargo charters operated under the provisions of existing Resolution 045a, which governs the provisions of cargo charters. Under the terms of Resolution 045a, the charterer is charged for the entire weight/volume cargo capacity of an aircraft regardless of the space or available weight actually utilized. For example, charter of a B–707 freighter (13 pallets) would now be subject to a minimum rate of $4.00 per aircraft mile, for a total charge of $13,824 in the case of New York-London charters (3,456 miles). The proposed minimum rates for all-cargo and combination aircraft in various configurations are set forth in Appendix E, along with additional New York-London examples.

The carriers have also agreed on amendments to the proportional rates for U.S. interior gateways used to construct through international rates by combination with the specified rates over New York.[6] At present there are no proportionals for construction of through specific commodity rates, and proportionals for general cargo rate and container rate constructions are listed only for Boston, Philadelphia, Baltimore and Washington.

New unit-load devices:	Dimensions	Average external volume
Type 2A, full 125 in pallet.	88 x 125 x 96 in....	564 ft³
	234 x 318 x 244 cm..	16 m³
Type 2B, 25 full 125 in pallet.	96 x 125 x 72 in....	463 ft³
	244 x 318 x 183 cm..	13.10 m³

Proportional rates are now proposed for the named gateway cities in Docket 20522, as well as for Columbus, Dayton and Indianapolis.[7] A single proportional rate would be assigned to each weightbreak in each rate category (general, specific, container) for traffic between any given U.S. gateway, and all points in Europe/Middle East.[8] (See Appendix F.) We also note that, although all specific commodity rates are theoretically available for

[1] Includes all countries on the continent of Africa except Morocco, Algeria, Tunisia, Egypt and Sudan.

[2] Appendix B presents a comparison of present and proposed New York-London rates.

[3] Appendix B represents a comparison of present and proposed New York-London rates.

[4] See the following table:

[5] Density at the "first pivot weight" is about 10.5 lbs. per cu. ft.

[6] By Order 73–2–24 (February 6, 1973) as amended by Order 73–7–9 (July 5, 1973), the Board concluded its investigation in Docket 20522, Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, and found that "The lawful local and joint North Atlantic general commodity, specific commodity and container rates for service between the cities of Boston, Philadelphia, Baltimore, Washington, Cleveland, Detroit, and Chicago, on the one hand, and points in Europe, on the other hand, are the New York-European point rates per mile multiplied by the distance in miles between such cities and the points in Europe * * *"

[7] In addition, Hartford would be commonrated with New York with respect to general cargo and specific commodity rates.

[8] For containerized shipments, the minimum dollar charge add-on over New York would apply, as well as the over-pivot rate add-on for each kg. in excess of the pivot weight applicable to the particular shipment.

carriage to and/or from each above-named city, the specific commodity rate tables describe certain rates as "Applicable only for New York traffic." This would seem to fly directly in the face of the Board's decision in Docket 20522.

U.S.-AFRICA

Increases are proposed in U.S.-Africa cargo rates similar to those outlined above for U.S.-Europe/Middle East rates. Most general cargo rates would be increased by six cents per kg. in both directions except rates at the under-45 kg. and 45 kg. weightbreaks which would remain at *status quo*.[8] Specific commodity rates would generally be increased by six cents per kg. in both directions. There are no agreed container rates or proportional rates between the United States and Africa.

CURRENCY ADJUSTMENTS

There is presently in effect a six percent surcharge on all charges for U.S.-originating shipments, as well as surcharges of varying amounts on westbound shipments originating in various countries in Europe/Africa/Middle East.[9] The surcharge on U.S.-originating shipments is intended to compensate for the adverse revenue effects of the February 12, 1973 dollar devaluation on carriers operating between the United States and Traffic Conference 2, and is now proposed to be continued for the life of the respective agreements.[10] We note that whereas the present surcharge applies only on that portion of the through rate specified from New York to TC2, the amended resolution would apply the surcharge to the entire specified or constructed through rate. This change would not seem illogical if the applicable through rate from interior U.S. gateways were brought into conformance with the Board's decision in Docket 20522 to reflect the economics of direct international service. As noted below, however, the revised system of proportional rates does not comport with the Board's ruling in that case. Moreover, the surcharge would apply from interior points for which no proportional rate is specified, and thus would impose a six percent increase on U.S. domestic cargo rates used in combination with the New York-TC2 specified rates.

By Order 73-9-109 dated September 28, 1973 in Docket 20522, the Board rejected tariff revisions filed by various IATA carriers to implement the proportional rate concept discussed above in respect to the present structure of New York-Europe rates. The Board stated that although the use of a single add-on based upon averaging will fit the per-mile formula with respect to some selected European cities, rates determined by this methodology cannot meet the requirements of the Board's order with respect to North Atlantic rates for the U.S. gateway points to/from all European points, or even to European gateway points. The Board also noted an alternative methodology which would present clear, explicit rates fully in conformance with the Board's mandate. Finally, the Board directed the carriers to amend their tariffs to conform with the Board's requirements on or before November 15, 1973, on not less than 30 days' notice.

We expect the carriers to act quickly and effectively in this connection, and suggest that the necessary amendments to the appropriate IATA resolutions could be adopted with a minimum of delay. At this time we would also reiterate that the question of the lawful rates and charges between Memphis and other non-gateway interior cities and points in Europe will be considered in determining the lawfulness of the above-mentioned agreements and tariffs.[11]

The Board also believes it necessary and desirable to establish procedural dates for the receipt of justification and comments concerning the various aspects of the agreement, particularly the innovations advanced in the area of minimum cargo charter rates and high weightbreak specific commodity rates. We will, therefore, require justification and data in support of the subject agreements, together with comments from interested persons, to be submitted within 15 days after the date of this order. Replies shall be filed within 30 days of the date of this order.[12]

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association providing services over the North Atlantic shall file within fifteen calendar days after the date of this order, full documentation and economic justification for rates, charges and related conditions embodied in the subject agreements;

2. Comments and/or objections from interested persons shall be submitted within fifteen days after the date of this order;

3. Replies to justifications received in response to ordering paragrah 1 above and replies to comments received in response to ordering paragraph 2 above shall be submitted within thirty days after the date of this order; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreements shall not be filed in advance of Board approval of the subject agreements. The provisions of this paragraph, however, do not suspend or limit the Board's mandate in ordering paragraph 3 of Order 73-9-109 dated September 28, 1973.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[8] All general rates to New York from the common-rated points Beira, Johannesburg, Kitwe, Livingstone, Lourenco Marques, Lusaka and Salisbury, and the 500 kg. rates from New York to those points, would remain at *status quo*. Eastbound rates at the remaining weightbreaks would be reduced from one to four percent.

[9] For example, the surcharge on shipments originating in the United Kingdom and Ireland is 10 percent.

[10] Through December 31, 1974 for U.S.-Europe/Middle East, and September 30, 1975 for U.S.-Africa.

[11] The Board has received numerous comments from businesses and industries in Dayton, Columbus and Indianapolis contending that the rate structure discriminates against them.

[12] An original and 12 copies should be filed with the Board's Docket Section.

COMPARISON OF PRESENT AND PROPOSED MINIMUM CHARGES FOR SHIPMENTS BETWEEN VARIOUS U.S. POINTS AND EUROPE/AFRICA/MIDDLE EAST

	Present rates[1]	Proposed rates with currency adjustments		Percent change in proposed rates with currency adjustments	
		Excluded	Included	Excluded	Included
Between Europe/Africa and:					
Boston/New York	$24	$26	$27	8.3	12.5
Other U.S. points	27	29	30	7.4	11.1
Eastbound to the Middle East from:					
Boston/New York	24	26	27	8.3	12.5
Other U.S. points	27	29	30	7.4	11.1
Westbound from the Middle East to:					
Boston/New York	20	22	[2] 23.32	10.0	[2] 16.6
Other U.S. points	23	25	[2] 26.50	8.7	[2] 15.2

[1] International Air Traffic Tariffs Corp., agent, rates on 41st revised page 14B minus $1.00 currency surcharge.
[2] Six percent surcharge from Israel only.

COMPARISON OF PRESENT AND PROPOSED GENERAL CARGO AND SELECTED SPECIFIC COMMODITY RATES FROM NEW YORK TO LONDON

Commodity code	Description	Minimum kilogram weightbreak	Cents per kilogram: Present rates	Cents per kilogram: Proposed rates with currency adjustment: Excluded	Cents per kilogram: Proposed rates with currency adjustment: Included	Percent change in proposed rates with currency adjustment: Excluded	Percent change in proposed rates with currency adjustment: Included
	General cargo [1]	Under 45	285	285	303		6.3
		45	218	218	232		6.4
		100	154	160	170	3.9	10.4
		300	101	107	114	5.9	12.9
		500	86	92	98	7.0	14.0
0386	Lobsters	100	83	89	95	7.2	14.5
		1,000	80	86	92	7.5	15.0
1196	Nutria skins	500	63	[2] 92	[2] 98	46.0	55.6
		2,000	60	[2] 92	[2] 98	53.3	63.3
1477	Tropical plants	200	78	84	89	7.7	14.1
		500	74	80	85	8.1	14.9
2418	Shoes and slippers [3]	45	89	[2] 218	[2] 232	144.9	160.7
		100		96	101	6.7	113.5
		300	70	76	81	8.6	15.7
		500	64	70	75	9.4	17.2
4204	Automobile parts [3]	45	88	[2] 218	[2] 232	147.7	162.6
		100		94	100	6.8	13.6
		200	58	64	68	10.3	17.2
4609	Engines and turbines	300	83	89	95	7.2	14.5
		500	74	80	85	8.1	14.9
5030	Abrasive cloth and paper	100	86	[2] 160	[2] 170	86.1	97.7
		200	77	[2] 160	[2] 170	107.8	120.8
		500	71	[2] 92	[2] 98	29.6	38.0
		1,000	67	[2] 92	[2] 98	37.3	46.3
7001	Paper, in sheets or rolls [3]	100	83	89	95	7.2	14.5
		300	74	80	85	8.1	14.9
8382	Sunglasses [3]	100	83	89	95	7.2	14.5
		300	74	80	85	8.1	14.9
		500	63	69	74	9.5	17.5
9206	Toys, games, and sporting goods. [4]	45	96	[2] 218	[2] 232	127.1	141.7
		100		102	109	6.8	13.5
		200	89	95	101	6.7	13.5
		500	85	91	97	7.1	14.1
9995	Personal effects not for resale [3]	45	139	145	154	4.3	10.8

[1] Present and proposed westbound general cargo rates (absent currency adjustment) from London to New York are same as eastbound rates.
[2] Applicable general cargo rates.
[3] Commodity rate also available from London to New York. Westbound rates, presently equal to eastbound rates, are proposed to be increased by 4 cents per kilogram, as opposed to 6 cents per kilogram increase on eastbound rates.

APPENDIX C

SELECTED 30,000 KG. WEIGHTBREAK SPECIFIC COMMODITY RATES

Between New York and:	Cents per Kg.
Shannon	48
London, Glasgow	51
Amsterdam, Brussels	54
Paris, Lille	54
Cologne, Dusseldorf	54
Frankfurt, Stuttgart, Hanover, Hamburg	56
Basle, Geneva, Zurich	56
Copenhagen	56
Lyons, Nice, Marseilles	56
Milan	56
Munich, Nuremburg	57
Rome	59
Stockholm	62

APPENDIX D

COMPARISON OF PRESENT AND PROPOSED CHARGES FOR SELECTED UNIT-LOAD DEVICES BETWEEN NEW YORK AND LONDON

	Container type	Pivot weight (kilograms)	Minimum dollar charge per device up to pivot weight: Present	Minimum dollar charge per device up to pivot weight: Proposed: Without currency adjustment	Minimum dollar charge per device up to pivot weight: Proposed: With 6 percent surcharge [1] for U.S. originations	Percent change with currency adjustment: Excluded	Percent change with currency adjustment: Included
3	Full 125-inch pallet	2,000	$1,176	$1,300	$1,378.00	10.5	17.2
5	Wide-body aircraft lower-deck full pallet	1,650	983	1,082	1,146.92	10.1	16.7
8	Wide-body aircraft half size-lower-deck container	760	449	495	524.70	10.2	16.9

	Container type	Pivot weight (kilograms)	Over-pivot rates (cents per kilogram): Present	Over-pivot rates (cents per kilogram): Proposed: Without currency adjustment	Over-pivot rates (cents per kilogram): Proposed: With 6 percent surcharge [1] for U.S. originations	Percent change with currency adjustment: Excluded	Percent change with currency adjustment: Included
3	Full 125-inch pallet	2,000-2,300	50	56	60	12	20
		Over 2,300	50	40	43	(20)	(14)
5	Wide-body aircraft lower-deck full pallet.	1,651-1,917	50	56	60	12	20
		Over 1,917	50	40	43	(20)	(14)
8	Wide-body aircraft half size lower-deck container.	761-877	50	56	60	12	20
		Over 877	50	40	43	(20)	(14)

[1] Charges for United Kingdom—orginating shipments would be surcharged 10 percent.

APPENDIX E

PROPOSED NORTH ATLANTIC MINIMUM CARGO CHARTER RATES

Aircraft	Rate per mile (U.S. dollars)	New York-London, 3,456 mi
ALL CARGO CONFIGURATION		
IL 62	$2.66	$9,192.96
B707 (11 pallets)	3.46	11,957.76
DC-8/55 (12 pallets)	3.73	12,890.88
DC-8/55 (13 pallets)	4.00	13,824.00
DC-8/62 (13 pallets)	4.00	13,824.00
B707 (13 pallets)	4.00	13,824.00
B707 (14 pallets)	4.26	14,722.56
DC-8-62 (14 pallets)	4.26	14,722.56
DC-8-63 (18 pallets)	5.00	17,280.00
B747	12.00	[1] 46,212.00
MIXED CONFIGURATION [2]		
DC-8/55 (4 pallets)	1.46	5,045.76
DC-8/55 (6 pallets)	2.00	6,912.00
DC-8/55 (8 pallets)	2.39	8,259.84
B707 (5 pallets)	2.00	6,912.00
DC-8/62 (5 pallets)	2.00	6,912.00
DC-8/62 (8 pallets)	2.39	8,259.84
PASSENGER CONFIGURATION		
B747 (lower deck hold only)	3.33	11,508.48

[1] New York-Frankfurt.
[2] The exact configuration of aircraft designated here by the same number varies as between carriers. For example, the cargo capacity of a particular DC-8-55 aircraft is fixed at either 4, 6, or 8 pallets.

NORTH ATLANTIC PROPORTIONAL RATES

GENERAL CARGO RATES

[Cents per kilogram]

Between Europe/Middle East and—	−45 kg	45 kg	100 kg	300 kg	500 kg
Boston	−16	−12	−8	−5	−4
Philadelphia	8	6	4	3	2
Baltimore/Washington	16	12	8	6	5
Cleveland	24	17	12	8	7
Columbus/Dayton	33	21	22	15	13
Detroit	14	16	15	10	9
Indianapolis	39	25	22	15	13
Chicago	40	30	22	15	13

SPECIFIC COMMODITY RATES

[Cents per kilogram]

Between Europe/Middle East and—	100 kg.	200 kg.	300 kg.	500 kg.	1,000 kg.	30,000 kg.
Boston	−5	−5	−5	−4	−4	−2
Philadelphia	2	2	2	1	1	2
Baltimore/Washington	4	4	4	3	3	3
Cleveland	8	8	7	6	5	5
Columbus/Dayton	13	13	13	10	9	8
Detroit	8	8	8	7	6	5
Indianapolis	13	13	13	10	9	8
Chicago	13	13	13	10	9	8

NORTH ATLANTIC PROPORTIONAL RATES (BULK UNITIZATION CHARGES)

[Container type and pivot weight (kilograms)]

Between Europe/Middle East and		Type 1 5,605	Type 2 2,637	Type 3 2,000	Type 4 1,650	Type 5 1,650	Type 4A 1,620	Type 6 1,260	Type 7 945	Type 8/9 760
Boston:										
Minimum charge	dollars	−63	−30	−63	−52	−52	−51	−40	−30	−24
Over-pivot rate	cents	−1	−4	−4	−4	−4	−4	−4	−4	−4
Philadelphia:										
Minimum charge	dollars	189	90	33	28	28	28	21	17	13
Over-pivot rate	cents	3	2	2	2	2	2	2	2	2
Baltimore/Washington:										
Minimum charge	dollars	378	180	72	59	59	58	45	34	28
Over-pivot rate	cents	6	4	4	4	4	4	4	4	4
Cleveland:										
Minimum charge	dollars			110	91	91	89	69	53	42
Over-pivot rate	cents			5	5	5	5	5	5	5
Columbus/Dayton:										
Minimum charge	dollars			186	154	154	151	118	88	72
Over-pivot rate	cents			9	9	9	9	9	9	9
Detroit:										
Minimum charge	dollars			112	94	94	91	72	54	43
Over-pivot rate	cents			6	6	6	6	6	6	6
Indianapolis:										
Minimum charge	dollars			186	154	154	151	118	88	72
Over-pivot rate	cents			9	9	9	9	9	9	9
Chicago:										
Minimum charge	dollars			186	154	154	151	118	88	72
Over-pivot rate	cents			9	9	9	9	9	9	9

[FR Doc.73-23207 Filed 10-31-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from October 22 through October 26, 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.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202-973-5391.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202-973-7373.

Final

San Onofre Nuclear Generating Station, San Diego County, Calif., October 24: Proposed is the issuance of a full-term operating license jointly to the Southern California Edison Co. and the San Diego Gas and Electric Co. for Unit 1. The Unit employs a pressurized water reactor to produce 1347 MWt and 430 MWe (net). Exhaust steam is cooled by a once-through flow from the Pacific Ocean, with discharge at 19 degrees F. above ambient. Fish losses from plant operation are estimated to range up to 36,000 lb./year (approx. 300 pages). Comments made by: AHP, DOT, DOC, HEW, USDA, COE, FPC, EPA, DOI, and the State of California. (ELR Order No. 31688.) (NTIS Order No. EIS 73 1688-F.)

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.

RURAL ELECTRIFICATION ADMINISTRATION

Final

Steamboat Substation, Routt County, Colo., October 24: Proposed is the granting of a $1,290,000 loan to the Colorado Ute Electric Assoc., Inc., for construction of 6.5 miles of 230 kV transmission line from the Hayden-Archer line to Steamboat Springs. Also to be constructed is a 23/69 kV 30/40/50 MVA substation. There will be construction disruption, and visual impact. Comments made by: EPA, FPC, DOI, and USDA. (ELR Order No. 31689.) (NTIS Order No. EIS 73 1689-F.)

SOIL CONSERVATION SERVICE

Draft

Red Boiling Springs Watershed, Macon and Clay Counties, Tenn.: The proposed project involves land treatment measures on 2,450 acres of the watershed, and the construction of five floodwater retarding structures. The purpose of the project is the prevention of possible flood damage to agricultural, residential, and commercial properties. One hundred and eighty-two acres, 75 of which will be permanently inundated (along with 1.8 miles of stream), will be committed to the project. An additional 78 acres will be periodically flooded (55 pages). Comments made by: ARC, DOA, DOC, DOI, DOT, EPA, HEW, and State agencies. (ELR Order No. 31701.) (NTIS Order No. EIS 73 1701-F.)

First Capitol Watershed Project, Iowa County, Wis., October 25: Proposed is a watershed protection, flood prevention, and fish and wildlife improvement project. Structural measures will reduce flood water and sediment damages by 36 to 99 percent on 1,600 acres in the floodplain. An 18 acre lake, with incidental recreational benefits, will be created; an additional 5 acres of wetlands will be created; 238 acres of agricultural land will be subjected to occasional short duration flooding (67 pages). (ELR Order No. 31695.) (NTIS Order No. EIS 73 1695-D.)

DEPARTMENT OF DEFENSE

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

St. Lucie Inlet (2), Florida, October 24: The statement, a revised draft, refers to the proposed deepening of St. Lucie Inlet, the extension of the north jetty, and the construction of a south jetty. Dredged sand will be used for jetty construction. Adverse impact will be to marine biota (Jacksonville District) (approximately 100 pages). (ELR Order No. 31684.) (NTIS Order No. EID 73 1684-D.)

Lancaster Dam and Lake, Coos County, N.H., October 25: Proposed is the construction of a concrete ice retention and flood control structure and a 56 acre lake on the Israel River in the Town of Lancaster. Recreation would be a secondary use of the reservoir. Fifty-six acres of farm land would be committed to the reservoir: additional land would be committed to project structures (Waltham District) (17 pages). (ELR Order No. 31702.) (NTIS Order No. EIS 73 1702-D.)

Reddies River Lake, Wilkes County, N.C., October 25: Proposed is the construction of a multi-purpose reservoir on Reddies River. (Project purposes include flood control, water supply, and recreation.) The reservoir will have a conservation pool of 680 acres and a flood control pool of 1,330 acres. A total of 3,890 acres of land will be transferred from private to public ownership for the project (Charleston District) (17 pages). (ELR Order No. 31703.) (NTIS Order No. EIS 73 1703-D.)

Hugo Lake, Kiamichi River, Choctaw County, Okla., October 24: The statement refers to the construction and operation of Hugo Lake, a flood control, water supply and quality control recreation, and fish and wildlife management project on the Kiamichi River. (Project construction was 74 percent complete as of January 1, 1973.) Adverse impact of the project includes the permanent inundation of 13,250 acres of land and 35 miles of the Kiamichi River; an additional 21,240 acres will be periodically inundated during flood times (Tulsa District). (ELR Order No. 31691.) (NTIS Order No. EIS 73 1691-D.)

Flood Control, Wyoming Valley, Susquehanna River, Luzerne County, Pa., October 24: The statement, a revised draft, refers to proposed modifications to existing flood control features in the Wyoming Valley. Basic to the modifications would be the raising of levees and steel sheet pile wall to heights which would protect against a June, 1972 Hurricane Agnes force flood. Impact will include the commitment of resources, and construction disruption (Baltimore District) (190 pages). (ELR Order No. 31687.) (NTIS Order No. EIS 73 1687-D.)

Final

Locks and Dams 7 and 8, Monongahela River, Fayette and Greene Counties, Pa., October 25: Proposed is the replacement of existing navigation facilities at Lock and Dam 7 and Lock 8, on the Monongahela River. Improved navigation facilities will provide incentive for continued regional economic growth. Adverse impact will result from dredging during construction activities (Pittsburgh District) (17 pages). Comments made by: DOI, EPA, and one State agency. (ELR Order No. 31694.) (NTIS Order No. EIS 73 1694–F.)

Water Intake, City of Chesapeake, Va., October 25: The proposed action is the construction of a water-intake and pumpstation on the north bank of the Northwest River. The water would supply the future domestic and industrial needs of the City of Chesapeake. The project will affect the interstate water of Virginia and North Carolina. Impacts will include the denudation of one acre of scenic lowland; the minor destruction of benthic organisms; and the removal of part of the total freshwater imput into an estuarine complex (130 pages). Comments made by: DOC, DOI, EPA, State, and local and private agencies. (ELR Order No. 31699.) (NTIS Order No. EIS 73 1699–F.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Draft

Denver Sewage Treatment Plant Expansion, Colorado, October 25: Proposed is the expansion of the Metropolitan Denver Sewage Disposal District No. 1 wastewater treatment plant from its present capacity of 98 MGD to a total treatment capacity of 168 MGD. Project measures would include modification of existing secondary scum clarifiers, four 150 foot diameter primary clarifiers, ten 140 foot secondary clarifiers, a pure oxygen aeration system and facilities for mechanical screening grit removal, sludge pumping and treatment, and chlorination. Plant effluent would be discharged to the South Platte River at the present outfall site. Impact will include construction disruption, odor and noise problems, and foaming in the River at the outfall (207 pages). (ELR Order No. 31700.) (NTIS Order No. EIS 73 1700–D.)

Monett Wastewater Treatment Facilities, Missouri, October 23: Proposed is the construction of additional wastewater treatment facilities, interceptors, lift stations, and force mains for the City of Monett. The expansion will increase the capacity of present facilities to a level which would accommodate a population equivalent of 53,000 people. There will be adverse aesthetic impact from the project (90 pages). (ELR Order No. 31674.) (NTIS Order No. EIS 73 1674–D.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–343–4161.

Draft

U.S. Customs House, Wilmington (Disposal), New Castle County, Del., October 23: Proposed is the disposal by negotiated sale of the U.S. Custom House Building and 0.016 acre in the town of Wilmington. The customhouse is eligible for listing on the National Register of Historic Places (55 pages).. (ELR Order No. 31675). (NTIS Order No. EIS 73 1675–D.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 Seventh Street SW., Washington, D.C. 20410, 202–755–5980.

Final

Milton and Turbot Urban Renewal Projects, Pennsylvania, October 24: The statement refers to an urban renewal program for the area of Milton. Three proposed disaster projects are involved, those of Milton North, Milton South, and Turbot. The purpose of the program is that of offsetting damage caused by Tropical Storm Agnes in 1972. There will be construction disruption from the projects (99 pages). Comments made by: HEW, EPA, DOI, COE, State and local agencies. (ELR Order No. 31685.) (NTIS Order No. EIS 73 1685–F.)

Reading Urban Renewal Project, Berks County, Pa., October 24: Proposed is an urban renewal program for the City of Reading, in order to compensate for damages which resulted from Tropical Storm Agnes in 1972. Of 797 buildings in the project area, 520 are structurally deficient; 214 will be cleared. Fifty percent of new residential construction will be for moderate income families; 20% will be for low income families. There will be construction disruption (94 pages). Comments made by: HEW, EPA, DOI DRBC, and local agencies. (ELR Order No. 31686.) (NTIS Order No. EIS 73 1686–F.)

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

Geothermal Leasing Program, October 24: The statement refers to the proposed development of federally owned geothermal resources. Lands potentially available for geothermal leasing total 638 million acres; the most promising geothermal resource areas are located in the 11 western states and Alaska. Development of geothermal resources entails the construction of access facilities, wells, conveyance facilities, power plants, transmission lines, and related works. Present use for the resource areas includes grazing, forestry, recreation, mining, wildlife habitat, and watersheds (4 volumes). Comments made by: AEC, USDA, COE, DOC, HEW, DOI, EPA, and agencies of several States and concerned citizens. (ELR Order No. 31681) (NTIS Order No. EIS 73 1681–F.)

BUREAU OF RECLAMATION

Final

Indian Valley Project, Supplement, Lake and Yolo County, Calif., October 23: The document is a supplement to the final environmental impact statement filed with the Council on August 31, 1971. It refers to the impact which the operation of the Indian Valley Project, Yolo County Flood Control and Water Conservation District will have upon the water surface levels of Clear Lake (43 pages). Comments made by: EPA, DOI, COE, and State and local agencies. (ELR Order No. 31673) (NTIS Order No. EIS 73 1673–F.)

GEOLOGICAL SURVEY

Draft

Big Sky Mine, Peabody Coal Company, Rosebud County, Mont., October 25: Proposed is the approval of a strip mining and reclamation plan for the Big Sky Mine, Peabody Coal Lease M–15965. The plan proposes extension of the existing mine in privately owned sec. 27 into federally owned coal in sec. 22, as the initial step in long-term mining that will encompass much of the 4306.55 acre lease. Coal ownership is vested in the Federal Government and Burlington Northern, Inc., each owning alternate sections; the land surface is privately owned. Impact will be to agricultural uses, water quality and quantity, wildlife habitat, and two archeological sites. Scenic views and open space qualities will be degraded and restricted until revegetation is complete. (ELR Order No. 31693) (NTIS Order No. EIS 73 1693–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

60-Inch Reinforced Concrete Pipe, I–210, California, October 23: Proposed is the construction of a 60-inch Reinforced Concrete Pipe through Memorial Park in the City of Pasadena. The drain would be part of the drainage system for a 4.5 miles segment of I–210 now under construction. A 30' wide stretch (0.41 acre) of section 4(f) land from Memorial Park will be disturbed (22 pages). (ELR Order No. 31678) (NTIS Order No. EIS 73 1678–D.)

F.A. 406, Tazewell County, Ill., October 24: The project is the construction of a 4-lane, fully access controlled, freeway on F.A. 406. Project length is 11.3 miles. An unspecified amount of land will be acquired for right-of-way. Eight families will be displaced. Increases in noise and air pollution will occur (51 pages). (ELR Order No. 31690) (NTIS Order No. EIS 73 1690–D.)

U.S. 83 West Bypass of Minot, Ward County, N. Dak., October 23: Proposed is the construction of a four-lane highway bypass around the West and north sides of the city of Minot. A diversion channel for the "Peterson Coulee" drainage will be incorporated into the roadway design. Project length is 5 miles. Approximately 250 acres will be acquired for right-of-way. Adverse effects of the action include the encroachment on two wetland areas, the loss of aesthetic beauty in the Souris River Valley, and the displacement of several families and businesses (57 pages) (ELR Order No. 31680) (NTIS Order No. EIS 73 1690–D.)

Northeast Freeway—North-South Freeway, Richland County, S.C., October 23: The project proposes the construction of a portion of the North-South Freeway and a portion of the Northeast Freeway. Total length of the project is 1 mile. The North-South segment will displace 35 houses, 15 businesses, and 30 apartment units, while, the Northeast portion of the project will displace 1 business, and 15 apartment units. Noise and air pollution levels will increase (19 pages). (ELR Order No. 31676) (NTIS Order No. EIS 73 1676–D.)

State Highway 34, Kaufman County, Tex., October 23: Proposed is the construction of a four-lane divided highway through Terrell and the improvement of the existing two lane facility from a point north of Terrell to the Kaufman-Hunt County line. Project length is 9.70 miles, with approximately 2.10 miles requiring new location. Two families and two businesses will be displaced (38 pages). (ELR Order No. 31679) (NTIS Order No. EIS 73 1679–D.)

I–57, Milwaukee to Green Bay, Sheboygan, Manitowoc, and Brown Counties, Wis., October 23: The proposed project is the construction of 49 miles of I–57 from Milwaukee to Green Bay. The facility will be a 4 lane, divided controlled-access freeway. The corridor will require 2,000 acres of land displacing 30 to 40 families and affecting 50 to 70 farm operators. The facility will traverse several

streams increasing erosion. Loss of wildlife and increases in noise and air pollution will occur (284 pages). (ELR Order No. 31672) (NTIS Order No. EIS 73 1672-D.)

U.S.H. 151 and S.T.H. 73, Dane, Columbia, and Dodge Counties, Wis., October 24: The project proposes the improvement of a 16 mile section of U.S.H. 151 and a 1.5 mile relocation of S.T.H. 73. The facilities will be four-lane divided highways. Land acquisition totals 521 acres of farmland, 74 acres of wetland, and 25 acres of woodland. Four families have been displaced. The facility will traverse a number of streams and rivers increasing erosion, siltation, and salt pollution by roadway runoff. Other adverse impacts are: loss of wildlife habitat and increases in noise, air, and water pollution (117 pages). (ELR Order No. 31683) (NTIS Order No. EIS 73 1683-D.)

Final

SR 80, Palm Beach County, Fla., October 25: The proposed project is the improvement of SR 80. Depending upon the alternate chosen, the project will: vary in length 23.7 to 24.3 miles; acquire 317.3 to 392 acres of land; and displace 14 to 31 families and 19 to 60 businesses. Construction of the facility may affect the drainage system and water table. Increases in noise and air pollution levels will occur (96 pages). Comments made by: USDA, DOI, EPA, HUD, and State agencies. (ELR Order No. 31698) (NTIS Order No. EIS 73 1698-F.)

US-54, Sedgwick County, Kans., October 25: The statement refers to the proposed reconstruction of US 54 between 279th Street west and Seville Avenue to provide a freeway facility with full control of access, interchanges, grade separations, and frontage roads as required. Project length is approximately 12 miles. The number of displacements will depend upon the route selected (170 pages). Comments made by: USDA, COE, DOC, DOI, DOT, EPA, and one State agency. (ELR Order No. 31696) (NTIS Order No. EIS 73 1696-F.)

Legislative Route 1003, Section 3, Erie County, Pa., October 25: The statement considers the construction of 4-lane L.R. 1003 (Interstate 79) from the 26th Street Interchange to the 12th Street Interchange. The amount of land required and the number of displacements will depend upon the route taken (205 pages). Comments made by: USDA, ARC, DOI, EPA, HEW, HUD, and State agencies. (ELR Order No. 31697) (NTIS Order No. EIS 73 1697-F.)

S.R. 90—West Snoqualmie to Tanner, King County, Wash., October 24: The project is the proposed construction of a six lane freeway and appurtenances, with its major length passing through undeveloped forest, then through a portion of sparsely settled agricultural land. Free movement of wild and domestic life will be restricted, approximately 31 families will be displaced (165 pages). Comments made by: EPA, COE, USDA, DOC, HEW, HUD, DOI, and OEO. (ELR Order No. 31682) (NTIS Order No. EIS 73 1682-F.)

U.S. COAST GUARD

Contact: Captain Sidney A. Wallace (GWEP/73), U.S. Coast Guard, 400 7th Street SW., Washington, D.C. 20590, 202-426-2010.

Draft

Icebreaking Activities on the Great Lakes, October 23: The statement refers to the action of Coast Guard Icebreakers to keep navigable waters on the Great Lakes open to commerce during the winter months in order to minimize seasonal effects on commerce, industry, and other modes of transportation, to conduct search and rescue missions, and to assist other agencies in the prevention of flooding caused by ice accumulation. The States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, will be affected. The action may cause adverse effects on shoreline and harbor areas, and to the local lifestyle of islanders and winter sportsmen (29 pages). (ELR Order No. 31677) (NTIS Order No. EIS 73 1677-D.)

Bridge, Atlantic Intracoastal Waterway at Daytona, Volusia County, Fla., October: Proposed is the approval of location and plans for a fixed highway bridge over the Atlantic Intracoastal Waterway between Flomich Street in Holly Hill and Plaza Boulevard in Daytona Beach. A total of 39 homes and 3 businesses will be displaced by the project (67 pages). (ELR Order No. 31692) (NTIS Order No. EIS 73 1692-D.)

NEIL ORLOFF,
Counsel.

[FR Doc.73-23303 Filed 10-31-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

MISSOURI 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 Missouri State Advisory Committee (SAC) will convene at 9 a.m. on November 9, 1973, in Room 1612, 1520 Market Street, St. Louis, Missouri 63103.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be (1) to consider Missouri (SAC) project proposals concerning Revenue Sharing, Penal Institutions, and or Media Studies and (2) to discuss followup activities to the recent St. Louis and Kansas City (SAC) reports.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1973.

ISAIAH T. CRESWELL,
Advisory Committee
Management Officer.

[FR Doc.73-23287 Filed 10-31-73;8:45 am]

WEST VIRGINIA 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 planning meeting of the West Virginia State Advisory Committee (SAC) to this Commission will convene at 11:30 a.m. on November 5, 1973, at the Heart-o-Town Motel, Broad and Washington Streets, East, Charleston, West Virginia 25301.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to begin planning a West Virginia (SAC) project on Revenue Sharing in the State of West Virginia.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1973.

ISAIAH T. CRESWELL,
Advisory Committee,
Management Officer.

[FR Doc.73-23288 Filed 10-31-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. D-70-25]

PROPOSED MARTIN'S CREEK STEAM ELECTRIC GENERATING STATION EXPANSION

Availability of Draft Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's Rules of Practice and Procedure (section 2-3.5.2) notice is hereby given of the availability of the draft environmental statement as of November 7, 1973, which discusses the environmental impact of the proposed expansion of the Martin's Creek Electric Generating Station located on the west bank of the Delaware River (Delaware River Mile 190.9) approximately 10 miles north of Easton, Pennsylvania, in Northampton County. The draft has been prepared by the Commission based upon the Pennsylvania Power and Light Company's environmental studies and the Commission staff's analysis of the proposed action.

The proposed development includes construction of units No. 3 and No. 4 which are oil-fired steam electric generating units each with a capacity of 800 electric megawatts, alongside two existing coal-fired operating units of 150 MW each. Units No. 3 and No. 4 are scheduled to be in operation in 1975 and 1977, respectively. Facilities to be constructed to support each of the generators would include a natural draft cooling tower 414 feet high with a water flow of 280,000 gallons per minute; a chimney 600 feet high; a transformer of 930,000 kva; a 95,000-barrel-capacity tank to store fuel oil; and water inlet works to provide a maximum of 19.6 cfs of water for each unit, of which an average of 13.7 cfs would be evaporated. Facilities constructed to support units No. 3 and No. 4 jointly, include fire protection facilities; a 12,000 barrel capacity tank for light oil; an on-site domestic waste system; a 42-acre retention pond, with an effective holding capacity of 216,000 cubic yards (132 acre feet); an additional switchyard; and new transmission lines.

Copies of the draft and the applicant's environmental report and supplements may be examined in the library at the

office of the Delaware River Basin Commission, 25 State Police Drive, Trenton, New Jersey, and in the library of the Water Resources Association of the Delaware River Basin, 21 S. 12th Street in Philadelphia. Copies of the application and draft environmental statement are available for distribution to persons or agencies upon request.

A public hearing on the proposed action will be held at the November meeting of the Delaware River Basin Commission. Formal hearing notices will be sent specifying the date, time and place at least ten days prior to the hearing.

Comments on the subject draft environmental statement may be submitted to the Delaware River Basin Commission by public or private agencies or individuals concerned with environmental quality. To be considered by the Commission, comments must be submitted no later than December 21, 1973.

W. BRINTON WHITALL,
Secretary.

OCTOBER 30, 1973.

[FR Doc.73-23314 Filed 10-31-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

JUDICIAL OFFICERS

Delegation of Authority

The Judicial Officers of the Environmental Protection Agency (EPA) are delegated responsibility for all functions which the Administrator is required by law or regulation to perform in acting as the final deciding officer in adjudicatory proceedings under the Federal Water Pollution Control Act, the Clean Air Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or any other authority of the Administrator. In addition, there is designated a Chief Judicial Officer who shall have referred to him, in the first instance, all matters encompassed by this delegation of authority to the Judicial Officers. The Chief Judicial Officer shall thereafter refer the proceeding to himself or another Judicial Officer, except as otherwise provided by order of the Administrator. This delegation does not affect the authority of the Administrator, the Deputy Administrator or any Assistant Administrator to perform such functions.

Michael Glenn and David A. Schuenke are hereby delegated authority to perform the functions of the EPA Judicial Officers. Michael Glenn is delegated to perform the functions of EPA's Chief Judicial Officer.

Dated: October 26, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.73-23332 Filed 10-31-73;8:45 am]

MOTOR VEHICLE POLLUTION CONTROL

California State Standards

The Administrator of the Environmental Protection Agency, by notice published in the FEDERAL REGISTER on September 25, 1973 (38 FR 26760) and by earlier announcement and press release, called a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (42 U.S.C. 1857 f-6a(a)), to consider the request by the State of California that the Administrator waive application of the prohibitions of section 209(a) to the State of California with respect to State emission standards applicable to 1975 model year gasoline powered light duty trucks under 6,001 pounds g.v.w. Section 209(b) requires the Administrator to grant such waiver, after public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act, as amended.

The public hearing was held in San Francisco, California, on October 2, 1973. The record of the public hearing was kept open until October 17, 1973, for the submission of written material, data, or arguments by interested persons.

Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I find that:

(1) The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles and new motor vehicle engines.

(2) The State of California requires standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions.

(3) The proposed California State emission standards of 0.9 gram/mile HC, 17 grams/mile CO, and 1.5 grams/mile NOx applicable to model year 1975 light duty trucks are more stringent than the applicable Federal standards of 2 grams/mile HC, 20 grams/mile CO, and 3.1 grams/mile NOx.

(4) Technology exists with which to achieve California's proposed standards for HC and CO; however, the standards are inconsistent with Section 202(a) of the Clean Air Act because the cost of compliance within the lead time remaining is excessive. This finding is based on testimony by some manufacturers that lack of adequate lead time would force their abandoning the California market for light duty trucks in model year 1975. Adequate lead time does exist to achieve those standards without excessive cost in 1976; hence those standards are consistent with section 202(a) for application to light duty trucks in model year 1976.

(5) Technology is not available to achieve California's proposed standard for NOx.

(6) The California State emission standard of 2 grams/mile NOx applicable to 1974 model year light duty vehicles is more stringent than the corresponding Federal standard of 3.1 grams/mile NOx and is achievable for light duty trucks in the 1975 model year in conjunction with the Federal standards of 2 grams/mile HC and 20 grams/mile CO, and in the 1976 model year in conjunction with the California standards of 0.9 grams/mile HC and 17 grams/mile CO, without excessive cost.

(7) The standards of 2 grams/mile HC, 20 grams/mile CO, and 2 grams/mile NOx, when incorporated in California's total regulatory program, including related assembly-line testing and enforcement procedures, are more stringent than the corresponding Federal standards.

Therefore the following actions are hereby taken:

(1) The request of California for waiver of application of Section 209(a) with respect to its proposed standards of 0.9 grams/mile HC, 17 grams/mile CO, and 1.5 grams/mile NOx is denied;

(2) Application of Section 209(a) to California with respect to 2 grams/mile HC, 20 grams/mile CO, and 2 grams/mile NOx for model year 1975 light duty trucks is waived if California adopts such standards; and

(3) Application of Section 209(a) to California with respect to 0.9 grams/mile HC, 17 grams/mile CO, and 2 grams/mile NOx for model year 1976 light duty trucks is waived if California adopts such standards.

The standards for which waiver is granted are defined in terms of the test procedures adopted by California and included in the document California Exhaust Emission Standards and Test Procedures for 1975 and Subsequent Model Gasoline Powered Motor Vehicles 6000 Pounds Gross Vehicle Weight or Less, dated June 21, 1973. The waiver granted also includes waiver of preemption of California's assembly-line test requirements insofar as they may be associated with the standards for which waiver is granted.

Dated: October 26, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.73-23295 Filed 10-31-73;8:45 am]

WEST VIRGINIA AIR QUALITY PLAN

Postponement of Public Hearing

On October 2, 1973, notice was published in the FEDERAL REGISTER advising interested persons of a section 110(f) public hearing which was to be held on November 12, 1973 in Charleston, West Virginia. The public hearing was scheduled to determine whether seven electric utility generating stations located within the State of West Virginia should be granted one year postponements from the compliance dates otherwise specified in two sections of the West Virginia Implementation Plan to Achieve and Maintain Air Quality Standards.

One of the provisions in question—Regulation X, sections 3.01 and 3.03—requires sources such as the seven electric utility stations referred to above to limit the amount of sulfur dioxide released into the air. To achieve compliance with Regulation X by the attainment dates set forth therein, some or

possibly all of the sources in question will have to install flue gas desulfurization equipment. Because of this, it is very likely that the feasibility of controlling sulfur oxides emissions through the use of flue gas desulfurization equipment (scrubbers) will be discussed in detail at the West Virginia hearing.

To enable all interested persons to address the question of scrubber technology in the most complete manner possible, the Agency with the assent of the administrative law judge, the State of West Virginia and the owners of the seven electric utility generating stations, has decided to postpone the West Virginia hearing to December 10, 1973. The hearing will still be held at the Federal courthouse in Charleston, West Virginia and will begin promptly at 9:30 a.m. local time. Notice of the specific courtroom in which the hearing will take place will be prominently posted in the main lobby of the courthouse.

The postponement of the hearing will allow the Agency, the station owners and the public a reasonable period of time in which to evaluate the testimony which is presently being given at the Agency's national hearing on scrubber technology. Since the West Virginia public hearing will be the first section 110(f) hearing to consider scrubber technology, the Agency wishes to do everything that is required to develop a full and complete record. By postponing the West Virginia hearing until all parties have had a reasonable chance to analyze the evidence developed at the national hearing, the Agency believes this objective will have been achieved.

Under 40 CFR 51.33(k) an administrative law judge may convene a prehearing conference prior to a section 110(f) public hearing to consider such matters as the setting of a hearing schedule, the rules of procedure which will govern the hearing and the need for discovery. The administrative law judge for the West Virginia hearing has determined that a prehearing conference is needed. The prehearing conference will be held on November 12, 1973—the date previously scheduled for the commencement of the hearing—at Courtroom No. 2, U.S. Courthouse, Fifth Floor, 500 Quarrier Street, Charleston, West Virginia. The conference will begin at 9:30 a.m. local.

Persons who are parties to the hearing will receive individual notice of the prehearing conference. As noted in the amendment to 40 CFR 51.33(c) which was published at 38 FR 27287 on October 2, 1973, the period for requesting to be made a party to a section 110(f) public hearing terminates 30 days from the date the hearing is noticed in the FEDERAL REGISTER. Since notice of the West Virginia hearing was published in the FEDERAL REGISTER on October 2, 1973, the 30-day period for filing requests to be made a party to the hearing in question expires on November 2, 1973. Accordingly, only those persons whose requests to be made a party were filed with the regional hearing clerk prior to November 2, 1973, will receive individual notice of the prehearing conference. Individual notice will also be sent to persons who are automatically designated as parties under the terms of 40 CFR 51.33(a)(6).

The Civil Service Commission has designated Paul N. Pfeiffer as the administrative law judge who will preside over the Section 110(f) hearing noticed above. All written correspondence to Judge Pfeiffer should be addressed to the Department of Commerce, Room 4610, 14th and E Streets, NW., Washington, D.C. 20230. Judge Pfeiffer will have full authority to perform all of the duties set forth in the Agency's regulations governing Section 110(f) public hearings. See 40 CFR section 51.33.

Dated: October 29, 1973.

ALAN G. KIRK,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-23294 Filed 10-31-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

CANADIAN LIST NO. 315 — OCTOBER 12, 1973

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		790 kHz							
CFAN (change of call sign)	Newcastle, New Brunswick, N. 47°00'32", W. 65°33'01".	1	DA-1	U	III				
		1010 kHz							
CFRB (now in operation with nighttime pattern change).	Toronto, Ontario, N. 43°20'22", W. 79°37'50".	50	DA-2	U	II				
		1150 kHz							
CKWX (correction to coordinates).	Vancouver, British Columbia, N. 49°10'40" W. 123°04'38".	50	DA-N ND-D-190	U	I-B				
		1240 kHz							
CKIM (assignment of call sign).	Baie Verte, Newfoundland, N. 49°57'25", W. 56°10'45".	1D/0.5N	ND-180.5	U	IV	132.3	120	317	
		1340 kHz							
(New)	Maniwaki, Province of Quebec, N. 46°22'40", W. 75°56'55".	1D/0.25N	ND-188	U	IV	180	120	293	E.I.O. 10-12-74.
		1350 kHz							
CJCR (assignment of call sign).	Gander, Newfoundland, N. 48°-58'30", W. 54°36'47".	1	ND-185	U	III	135	120	283	
		1350 kHz							
CKAD (correction to coordinates).	Middleton, Nova Scotia, N. 44°-59'15", W. 65°01'15".	1	DA-1	U	III				
		1410 kHz							
CFUN (change of call sign)	Vancouver, British Columbia, N. 49°07'41", W. 123°01'41".	50	DA-2	U	III				
		1420 kHz							
CJMT (increase in power—PO 1420 kHz, 1 kw., DA-1).	Chicoutimi, Province of Quebec, N. 48°24'17", W. 71°05'55".	*10D/2.5N*	DA-N ND-D-190	U	III				E.I.O. 10-12-74.
		1440 kHz							
CJOI (increase in power—PO 1440 kHz, 1 kw., DA-1).	Wetaskiwin, Alberta, N. 52°57'-30", W. 113°27'00".	*10*	DA-N ND-D-190	U	III				E.I.O. 10-12-74.
		1450 kHz							
CFAB (correction to coordinates).	Windsor, Nova Scotia, N. 44°59'-54", W. 64°09'15".	0.25	ND-180	U	IV	90	120	230	
		1490 kHz							
(New)	L'Annonciation, Province of Quebec, N. 46°25'29", W. 74°52'16".	1D/0.25N	ND-195	U	IV	180	120	264	E.I.O. 10-12-74.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.73-23171 Filed 10-31-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74-183]

ANADARKO PRODUCTION CO.

Notice of Application

OCTOBER 24, 1973.

Take notice that on September 17, 1973, Anadarko Production Company (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket No. CI74-183 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from acreage in Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 2,500 Mcf of gas per day to a date of one year following the first day of the month after initial delivery at the rate of 45.0 cents per Mcf at 14.65 psia, subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23264 Filed 10-31-73;8:45 am]

[Docket No. CI63-708]

CRA, INC.

Notice of Petition To Amend

OCTOBER 24, 1973.

Take notice that on October 3, 1973, CRA, Inc. (Petitioner), 3315 North Oak Trafficway, Kansas City, Missouri 64116, filed in Docket No. CI63-708 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern), gathered from wells drilled since April 6, 1972, by Petitioner in the Velrex Field, Schleicher County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes under the optional gas pricing procedure to sell approximately 4,000 Mcf of residue gas per month from the tailgate its Mertzon Plant located in the subject acreage to Northern at an initial rate of 31.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, pursuant to the terms of a March 7, 1973, amendment to the contract dated November 16, 1962, on file as Petitioner's FPC Gas Rate Schedule No. 49. Said amendment provides for 75 percent reimbursement for any new or increased taxes greater than those being levied on the date of initial delivery, and the amendment provides for fixed escalations of 0.25 cent per Mcf each year after the date of initial delivery, and for a term of 20-years from the date of initial delivery.

Petitioner alleges that in the absence of the 31.0-cent per Mcf price the producers of raw gas will not be financially able to develop the additional gas reserves.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23280 Filed 10-31-73;8:45 am]

[Docket No. ID-1703]

DONALD L. RUSHFORD

Notice of Application

OCTOBER 24, 1973.

Take notice that on October 16, 1973, Donald L. Rushford (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the position of Vice President of Central Vermont Public Service Corporation.

The principal business of Central Vermont Public Service Corporation is the generation and purchase of electric energy and its transmission, distribution and sale for light, power, heat and other purposes to about 92,600 customers in Middlebury, Randolph, Rutland, Springfield, Windsor, Bradford, Bennington, Brattleboro, St. Johnsbury, St. Albans, Woodstock and 163 other towns and villages in Vermont.

Any person desiring to be heard or to make any protest with reference to the application should on or before November 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23262 Filed 10-31-73;8:45 am]

[Docket No. G-18615, et al.]

FLORIDA GAS TRANSMISSION CO. ET AL.

Notice of Application

OCTOBER 24, 1973.

Take notice that on September 27, 1973, Peoples Gas System, Inc. (Peoples), P.O. Box 855, Biscayne Annex, Miami, Florida 33152, filed an application in Docket No. G-18615 to amend the order of the Commission issued in said docket on August 9, 1961 (26 FPC 318), pursuant to section 7(c) of the Natural Gas Act authorizing the sale and delivery of natural gas by Houston Texas Gas and Oil Corporation, now Florida Gas Transmission Company (Florida), to Pompano Natural Gas Corporation (Pompano Natural) by authorizing said sale and delivery to be made to Peoples, ultimate successor to Pompano Natural, and in Docket No. CP74-84 pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Florida to sell and deliver additional volumes of gas to Peoples, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Peoples states that subsequent to authorization of the service by Florida to

Pompano Natural authorized in Docket No. G-18615 but before Pompano Natural commenced service in the Pompano Beach area, City Gas Company of Florida (City Gas) acquired Pompano Natural. Peoples further states that it is the ultimate successor in interest to Pompano Natural's allocation of natural gas and presently holds franchises to provide natural gas service in the cities of Pompano Beach and Margate and their environs. Peoples, therefore, requests that the order authorizing the sale and delivery of natural gas by Florida to Pompano Natural be amended by authorizing the sale and delivery to be made to Peoples.

In Docket No. CP74-84 Peoples states that updated volumetric limits should be established and requests the Commission pursuant to section 7(a) of the Natural Gas Act to order Florida to increase sales and deliveries of natural gas to Peoples' East Coast Division above the limit set in the Commission's order issued August 9, 1961. Peoples requests an increase from a present volume of 60,281,000 terms annually to 65,759,468 therms, an increase of 5,478,468 therms, and an increase in maximum daily volumes from 473,890 therms to 532,509 therms, an increase of 58,619 therms. Peoples states that such increases are necessary to meet the needs of existing customers on the distribution system of City Gas, immediate successor of Pompano Natural in the Pompano Beach-Margate area, that were attached at the time of purchase, together with those propane customers which are adjacent to such systems and are being attached thereto. Peoples states no additional facilities are required.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9 and 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23257 Filed 10-31-73;8:45 am]

[Docket No. CI74-195]

MILTON H. BLAKEMORE

Notice of Application

OCTOBER 24, 1973.

Take notice that on September 20, 1973, Milton H. Blakemore (Applicant), P.O. Box 977, Liberal, Kansas 67901, filed in Docket No. CI74-195 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the Mocane-Laverne Field, Beaver County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 15,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23266 Filed 10-31-73;8:45 am]

[Docket No. E-8396, et al.]

MINNESOTA POWER & LIGHT CO. ET AL.

Notice of Application

OCTOBER 25, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to these applications should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in a hearing related thereto must file petitions to intervene in accordance with 18 CFR 1.8.

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding.

The applications referred to above are on file with the Commission and are available for public inspection.

Docket No. E-8396.
Filing date: September 13, 1973.
Name of applicant: Minnesota Power & Light Co.

By letter dated September 11, 1973, Applicant submits a Municipal Interchange Agreement between the Village of Buhl, Minnesota, and the Minnesota Power & Light Company, dated January 22, 1973. This Agreement replaces Federal Power Commission Rate Schedule No. 93 which has expired. Applicant requests that this filing be made effective as soon as possible.

Docket No. E-8398.
Filing date: September 13, 1973.
Name of applicant: Virginia Electric & Power Company.

In its letter of September 12, 1973, Applicant requests acceptance for filing of the July 25, 1973, supplement to its contract with the Southside Electric Cooperative. The subject matter of this supplement is a change in voltage from 12.5 kV to 34.5 kV at the Stoddert Delivery Point. The supplement is proposed FPC Rate Schedule No. 85-38 and it would supersede current FPC Rate Schedule No. 85-23 dated August 1, 1967.

The unit cost of electricity to Southside Electric Cooperative will remain unchanged as a result of this voltage conversion, and for that reason Applicant requests waiver of the required billing data.

Docket No. E-8399.
Filing date: September 14, 1973.
Name of applicant: Public Service Company of New Mexico.

Applicant requests acceptance for filing of its agreement, dated April 26, 1972, between Applicant and Plains Electric Generation and Transmission Cooperative, Inc. (Plains). The Agreement provides Plains with a wheeling path over Applicant's transmission system from Applicant's West Mesa Switching Station at Albuquerque, New Mexico, to the Enlarged Four Corners Generating Station near Shiprock, New Mexico. The power wheeled may not exceed 30 MW. In exchange for this wheeling, Applicant requires the right to utilize any excess capacity which

may be available at the Algodones Generating Station, Algodones, New Mexico, which is owned by Plains. Applicant intends to utilize this capacity primarily for emergency energy or spinning reserves.

No revenue has been received by either party to this Agreement nor is any anticipated in the future; this latter factor is the reason why no estimate of revenues has been submitted by Applicant.

Applicant requests that the effectiveness date of this filing be made retroactive to May 1, 1972.

Docket No. E-8400.

Filing date: September 14, 1973.

Name of applicant: Alabama Power Company.

Applicant submits for filing an agreement dated July 23, 1973, with Clarke-Washington Electric Membership Corporation. This Agreement provides for a new delivery point designated as Thomasville in Clarke County, Alabama. This electric service is pursuant to tariff rate schedule REA-1 filed with the Commission November 1, 1971.

Docket No. E-8402.

Filing date: September 13, 1973.

Name of applicant: Brockton Edison Company.

By its letter of September 13, 1973, Applicant submits for filing on behalf of itself (Brockton), Fall River Electric Light Company (Fall River), Montaup Electric Company (Montaup), and Blackstone Valley Electric Company (Blackstone), an amendment dated August 31, 1973, to an agreement dated September 11, 1923, among these Companies. The amendment would provide for assignment by Fall River to Brockton of the former's rights and obligations under a contract dated July 23, 1963, as amended, for sale of electricity to Newport Electric Corporation.

The amendment further provides for payments by Brockton to Montaup of a rental charge for use of certain transmission and auxiliary facilities and to Fall River for use of metering equipment.

Applicant requests that this amendment be made effective on October 14, 1973.

Docket No. E-8406.

Filing date: September 19, 1973.

Name of applicant: Duke Power Company.

Applicant submits for filing a supplement to its contract with Surry-Yadkin Electric Membership Corporation. The supplement provides for an increase in designated demand at Delivery Points 1-5. Applicant requests that this filing become effective on October 19, 1973.

Docket No. E-8409.

Filing date: September 20, 1973.

Name of applicant: Duke Power Company.

By letter dated September 18, 1973, Applicant submits for filing a supplement to its electric service contract with Davidson Electric Membership Corporation. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 134. The supplemental agreement provides for a change in designated demand at Delivery Points Nos. 2, 3, 5, 8, 9, and 10. Applicant requests that this filing be made effective as of October 19, 1973.

Docket No. E-8411.

Filing date: September 20, 1973.

Name of applicant: Puget Sound Power & Light Company.

Applicant submits for filing an exchange agreement between itself and the Idaho Power Company, which provides for the exchange, consignment, or sale of power between their respective systems. Service under the agreement began in June 1973, and applicant requests that the effective date for this filing be made retroactive to June 1, 1973.

Docket No. E-8412.

Filing date: September 21, 1973.

Name of applicant: Public Service Company of Indiana, Inc.

Applicant submits for filing with the Commission an agreement dated August 27, 1973, between Applicant and the City of Crawfordsville, Indiana (City). This Agreement is the first supplement to the Interconnection Agreement dated March 6, 1968, between the Applicant and the City. The supplemental agreement provides for the amending of the Fuel Clause Adjustment included in Service Schedule A—Firm Power, Exhibit I to the Interconnection Agreement.

Docket No. E-8413.

Filing date: September 21, 1973.

Name of applicant: Public Service Company of Indiana, Inc.

In its letter of September 18, 1973, Applicant submits for filing with the Commission a supplement to its electric service agreement with the Boone County Rural Electric Membership Corporation. This supplement provides for a new Delivery Point designated as Pike-69 Delivery Point. Service commenced at the Pike-69 Delivery Point on May 23, 1973.

Docket No. E-8417.

Filing date: September 27, 1973.

Name of applicant: Virginia Electric & Power Company.

Applicant submits for filing a supplement to its contract with the Community Electric Cooperative. A supplement provides for a new Delivery Point in Southampton County, Virginia, which has been designated Sadlers Delivery Point. Projected date for connection in November 1973. When Sadlers Delivery Point is connected the Wakefield Delivery Point (FPC Rate Schedule No. 77-2 dated March 20, 1967) will be abandoned.

Applicant requests that the Commission allow the Sadler's Delivery Point supplement to become effective on the date that the facilities are connected, with the understanding that Applicant will notify the Commission of that date.

Docket No. E-8426.

Filing date: October 1, 1973.

Name of applicant: Minnesota Power & Light Co.

In its letter of September 25, 1973, Applicant submits for filing with the Commission an Electric Service Agreement between the Applicant and the Lake Superior District Power Company. This is the initial filing of said agreement. Applicant requests that this agreement be accepted for filing and effectiveness as soon as possible.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23265 Filed 10-31-73;8:45 am]

[Docket No. CP73-106]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Amendment to Application

OCTOBER 24, 1973.

Take notice that on October 10, 1973, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-106 an amendment to its application pending in said docket pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a 3,000-horsepower compressor engine at Applicant's Compressor Station No. 141 by requesting permission and approval for the complete abandonment of said compressor station and 4.75 miles of 8-inch pipeline appurtenant thereto, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Under the original application Applicant sought permission and approval to abandon a 3,000-horsepower compressor at its Compressor Station No. 141 in Lea County, New Mexico, due to declining deliveries of natural gas to said station from Warren Petroleum Company's (Warren) Bough Plant in Lea County.

Applicant states that deliveries by Warren from the Bough Plant have now terminated and that Warren has informed Applicant that the remaining gas volumes available to Warren for processing have declined to the extent that it is no longer economically feasible for Warren to operate the plant. Applicant states as a result of this plant's closing it will no longer require its Compressor Station No. 141 and, therefore, proposes to abandon the station and the 4.75 miles of 8-inch pipeline extending from said station to Applicant's main supply transmission pipeline in Lea County.

Applicant proposes to remove all facilities to be abandoned which can be reclaimed and salvaged and to store them until Applicant has a need for such facilities at some other location.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23263 Filed 10-31-73;8:45 am]

[Docket No. E-7925]

CINCINNATI GAS AND ELECTRIC CO.

Order Terminating Proceeding

OCTOBER 17, 1973.

On December 19, 1972, Cincinnati Gas and Electric Company (CG&E) filed a revised rate schedule to supersede the present agreement, as supplemented, applicable to the Union Light, Heat and Power Company (Union), a wholly owned subsidiary. The amount of the proposed rate increase is $1,460,302 based on test year 1971 data. By order of March 1,

1973, the Commission accepted the proposed tariff sheets for filing and suspended their effectiveness for five months or until August 1, 1973, and permitted Union to intervene. In addition, the Commission ordered CG&E to submit cost and revenue data for calendar year 1972. By motion of the Commission Staff, the procedural dates, directed by the March 1 order were extended.

On July 31, 1973, the Commission Staff served testimony in which Staff made certain adjustments to rate base, cost of service, cost allocation, a proposed fuel adjustment clause, and billing. Staff's testimony included an overall rate of return recommendation of 7.875 percent.[1] Finally, Staff took note of, but did not oppose, the use by the Company of the normalized method of income tax computation.

On September 21, 1973, Staff filed with the Secretary of the Commission and served on all parties a Motion to suspend the procedural dates and terminate the proceeding (Motion). The Motion states that Staff's position on the foregoing items was based upon a review of the Company's case-in-chief, together with supporting and supplemental information, including the Company's responses to Staff data requests. According to the Motion, after Staff's testimony was placed on the record at the prehearing conference convened on August 30, 1973, CG&E placed upon the record rebuttal testimony which supported the rates as filed because it had the effect of: (1) Clearing up misunderstandings relating to certain rate base items which arose as a result of inadvertently erroneous replies made to Staff data requests; (2) revising Federal income tax allowable, FIT credit, the total rate base and the return on rate base, all recomputed in line with the revisions of erroneous responses to data requests; (3) agreeing to use demand allocation based on the average of the 12 monthly coincident peaks; and (4) explaining in some detail the Company's proposal of a 100 percent 11-month demand ratchet. Staff's Motion indicates that, upon careful consideration of the Company's rebuttal evidence, and upon further review of the filing, its supporting data, and the revisions of the responses of the Company to Staff's data requests, Staff believes that CG&E's proposed rates, as filed on December 19, 1972, are just and reasonable.[2] Staff indicates that its conclusion would be conditioned upon CG&E filing a revised fuel clause in conformance with Commission Opinion No. 633. The Motion urges the Commission to accept the proposed rates to be effective without being subject to refund, to order CG&E to file, within a reasonable time, a revised fuel clause in conformance with Opinion No. 633, and to terminate this docket.

By notice issued by the Secretary on September 25, 1973, the hearing date was suspended. Staff's Motion was noticed on October 1, 1973, with comments due on or before October 9, 1973. Supportive comments were filed by Union on September 28, 1973.

On September 28, 1973, CG&E filed with the Commission a revised fuel clause in response to Staff's motion. Our review of this fuel clause indicates that it does conform with the directives of Opinion No. 633.

Our review of the record in this proceeding indicates that the proposed rates as filed on December 19, 1972, are just and reasonable and in the public interest. We shall, therefore, accept the proposed rates to be effective without being further subject to refund, as of August 1, 1973.

The Commission finds

(1) Good cause exists to grant Staff's motion to terminate the proceeding in this docket.

(2) Good cause exists to permit CG&E to use the normalized method of income tax computation.

The Commission orders

(A) Staff's Motion to terminate the proceeding in this docket is hereby granted.

(B) CG&E's proposed change in its rate schedule is hereby made effective, and no longer subject to refund, as of August 1, 1973.

(C) CG&E's proposed revised fuel clause is accepted to be effective as of August 1, 1973, and CG&E shall make whatever refunds may be necessary to reflect this revision.

(D) CG&E shall be permitted to use the normalized method of income tax computation and shall maintain its accounts related thereto consistent with the Commission's Uniform System of Accounts.

(E) The secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] See Attachment A for Staff's capitalization and recommended rate of return.

[2] See Attachment B for summary cost of service.

APPENDIX A

CAPITAL STRUCTURE AND STAFF RECOMMENDED RATE OF RETURN
OCTOBER 31, 1972, AS ADJUSTED

	Amount	Percent	Cost of capital (percent)	Weighted return (percent)
Long-term debt [1]	$445,964,603	50.96	5.90	3.000
Preferred stock	115,000,000	13.14	7.03	.920
Common equity [2]	303,113,201	34.64	11.43	3.955
Deferred taxes	11,062,559	1.26	.00	.000
Total	875,140,363	100.00		[3] 7.875

[1] Reflects the proposed sale of 1,700,000 shares of common stock on Jan. 18, 1973, at approximately $26 a share.
[2] Reflects the proposed sale of $60,000,000 first mortgage bonds at approximately 7¾ percent in the second quarter of 1973.
[3] Recommended return.

APPENDIX B

THE CINCINNATI GAS & ELECTRIC COMPANY—REVISED FPC EXHIBIT (8-1) SCHEDULE NO. 1—COST OF SERVICE 1972

		(1)	(2)	(3)	(4)	(5)	(6)	(7)
				Power supply				
		(Statement M) total	Staff adjustment	Total adjusted	Demand		Energy	Direct assignment
					Production	Transmission		
1	Cost of service:							
2	Production expenses:							
3	Operation and maintenance	$55,834,798						
4	Purchased power and interchange	4,264,716						
5	System control and load dispatching	144,704						
6	Other expenses	732,412						
7	Total production expenses	60,976,630		$60,976,630	$1,909,124		$59,067,506	
8								
9	Transmission expenses	1,999,380	$353,829	2,353,209		$2,353,209		
10	Distribution expenses							
11	Customer accounting expenses							$637
12	Sales expenses							300
13	Administrative and general expenses	3,824,159	94,255	3,918,414	3,291,550	626,864		260
14	Total operating expenses	66,800,169	448,084	67,248,253	5,200,674	2,980,073	59,067,506	1,197
15								
16	Operating expense adjustments	783,969	(597,619)	186,350	156,538	29,812		12
17	Depreciation expenses	13,655,321	495,949	14,151,270	10,852,840	3,298,430		453
18	Taxes—Other than income:							
19	Property taxes	8,583,364	370,679	8,954,043	6,340,180	2,613,863		277
20	Revenue taxes							
21	Payroll taxes	475,435	11,718	487,153	409,219	77,934		32
22	Adjustment to payroll taxes	157,868	3,891	161,759	135,881	25,878		11
23	Total expenses	90,456,126	732,702	91,188,828	23,095,332	9,025,990	59,067,506	1,982
24	Other electric revenue	(1,264,430)	89,919	(1,174,511)		(642,907)	(531,604)	
25	Net Expenses	89,191,696	822,621	90,014,317	23,095,332	8,383,083	58,535,902	1,982
26								
27	Allocation to U.L.H.&P., Co.:							
28	Demand:							
29	Production—12.2301 percent	2,826,661			2,826,661			
30	Transmission—12.1662 percent	1,019,903				1,019,903		
31	Energy—12.344 percent	7,225,906					7,225,906	
32	Direct assignment	1,982						1,982
33	Total	11,074,452						
34	Income taxes—Federal	[1] 1,674,549						
35	Return	[2] 3,514,535						
36	Net cost of service	16,263,536						
37	Revenue from Union	14,426,569						
38	Revenue deficiency	1,836,967						

[1] (3.752152 percent × rate base—Schedule No. 2 line 22).
[2] (7.875 percent × rate base—Schedule No. 2 line 22).

[FR Doc.73-23111 Filed 10-31-73;8:45 am]

[Docket Nos. RI74-41, et al.]

EXXON CORP. AND GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 23, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
	Exxon Corp	132	15	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).	$5,028,952	9-24-73		3-25-74	[1] 23.0	[1] 42.0	
		447	12		421,648	9-24-73		3-25-74	[1] 23.0	[1] 42.0	
R173-180	Gulf Oil Corp	138	[4] 12	West Texas Gathering Co. (Kermit South Ellenburger Field, Winkler County, Tex.) (Permian Basin).	(100,303)	9-24-73	8-7-73	[5] Accepted	30.0724	24.5	R173-180.
			[4] 13		100,303	9-24-73		9-25-73	[1] [2] 24.5	30.0724	
R172-249	do	192	17	Transwestern Pipeline Co. (Puckett Ellenburger Field, Pecos County, Tex.) (Permian Basin).	(2,655,829)	9-24-73	8-7-73	[5] Accepted	20.5897	[1] [3] 14.9390	R172-249.
			18		2,655,829	9-24-73		9-25-73	[1] [3] 14.9390	20.5897	
R172-281	do	197	21	Transwestern Pipeline Co. (Puckett Devonian Field Pecos, County, Tex., Permian Basin).	(27,264)	9-24-73	8-7-73	[5] Accepted	24.5680	[1] [3] 22.8540	R172-281.
	do	197	22		27,264	9-24-73		9-25-73	[1] [3] 22.8540	24.5580	
R170-790	do	213	10	Transwestern Pipeline Co. (Atoka Penn Field, Eddy County, N. Mex., Permian Basin).	(3,723)	9-24-73	8-7-73	[5] Accepted	27.33	24.6710	R170-790.
			11		3,723	9-24-73		9-25-73	[1] [3] 24.6710	27.3309	
R170-790	do	215	10	Transwestern Pipeline Co. (White City Penn Gas Field, Eddy County, N. Mex., Permian Basin).	(40,511)	9-24-73	8-7-73	[5] Accepted	27.33	24.9479	R170-790.
			11		40,526	9-24-73		9-25-73	[1] [3] 24.9479	27.3309	
R172-249	do	418	12	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex., Permian Basin)	(7,862)	9-24-73	8-7-73	[5] Accepted	29.37	24.6050	R172-249.
			13		7,859	9-24-73		9-25-73	[1] [3] 24.6050	29.3679	

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Subject to quality adjustments pursuant to Opinion No. 662.
[2] Rate determined through arbitration.
[3] Includes Btu adjustment pursuant to Opinion No. 662 and quality adjustments pursuant to Opinion No. 468, as amended.
[4] Rate decrease in compliance with Opinion No. 662.
[5] Not applicable to Supp. No. 6.
[6] The proposed rate is accepted as of the date shown in the "Effective Date Unless Suspended" column, the date of issuance of Opinion No. 662. The proposed rate accepted herein shall not exceed the applicable area rate as adjusted for quality, and gathering allowance if applicable, pursuant to Opinion No. 662.

Prior to the issuance of Opinion No. 662 (Permian II), Gulf was collecting increased rates subject to refund which are in excess of the just and reasonable rates established in that opinion. Gulf has filed herein decreased rates down to the levels prescribed in that opinion, and concurrently has filed rate increases back up to its previous levels. The proposed decreases are accepted as of August 7, 1973, the effective date of Opinion No. 662. Gulf's proposed rate increases are suspended in the same suspension proceedings applicable to its previous increased rates for one day from the date of filing with waiver of the 30 day notice period granted.

Exxon's proposed rate increases are from underlying rates equal to the applicable base rate ceiling established in Opinion No. 662 which were filed for and became effective subsequent to the issuance of that opinion. Since the proposed rates exceed the applicable area ceiling rate prescribed in Opinion No. 662 they are suspended for five months.

[FR Doc.73-23121 Filed 10-31-73;8:45 am]

[Docket No. E-7742]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Order Approving Settlement Agreement With Reservation of Fuel Clause Issue

OCTOBER 25, 1973.

On June 15, 1972, Public Service Company of New Hampshire (PSCNH) filed changes in its resale service rates to become effective August 15, 1972. Based on a 1971 test year, the proposed rates would have provided PSCNH with increased revenues of $1.7 million from jurisdictional sales and service.

The new schedules provide for a demand charge of $3 per kilovolt-ampere of maximum demand and 7.5 mills per kilowatt-hour for energy. For the Town of Wolfeboro the demand charge is expressed at an equivalent value of $3.13 per kilowatt. The new schedules also introduce a fuel clause, with a base cost derived by adjusting pro forma 1971 fuel costs to include year end costs of coal for Merrimack Station.

PSCNH states that its 1971 rates would yield a rate of return of 4.62 percent while under the proposed rates the return would be 8.25 percent with a 12.5 percent return on common equity.

The filing was noticed July 12, 1972, with petitions to intervene and protests due on or before July 26, 1972. By order issued August 14, 1972, we suspended the proposed increase until January 15, 1973, and set the matter for hearing.

At a hearing on May 10, 1973, a settlement, which was the result of conferences between PSCNH, Staff, and customers, was placed in the record and the Presiding Administrative Law Judge certified the settlement to the Commission on May 16, 1973. The settlement agreement would reduce PSCNH's proposed increase of $1,700,000 by approximately $243,000 to $1,456,787, based on a test year of calendar year 1971, which would yield a jurisdictional rate of return of 7.94 percent.[1]

The principal provisions of the proposed settlement agreement may be summarized as follows:

(1) The demand charge per KVA of maximum demand for service to all customers except the Town of Wolfeboro is changed from $3 to $2.95. Wolfeboro's demand charge per KW of maximum demand is changed from $3.13 to $3.07.

(2) The energy charge per KWH for all customers is reduced from 0.75 cents to 0.73 cents.

(3) The ratchet provision is changed so that the amount exempted from the ratchet is 1,500 KVA of demand instead of the current 200 KVA of demand. Wolfeboro's exempted demand is 1,500 KW instead of 200 KW.

(4) The company will refund to the customers from January 15, 1973, any amounts collected in excess of the settlement rates with interest at 7 percent from the date of payment.

(5) The company will not file any proposed increases in its resale service rate prior to January 1, 1974.

(6) The fuel clause issue is reserved for hearing.

On May 30, 1973, the Certification of the Settlement was noticed with comments due on or before June 22, 1973. On June 22, 1973, Staff filed comments calling our attention to the proposed moratorium and recommending that the fuel clause issue be reserved for hearing. No other comments were received.

Since the moratorium has only a few months remaining to January 1, 1974, we believe that it is not unreasonable. We have reviewed the reserved fuel clause issue which is found in Article II of the settlement agreement. The settlement states that the Company's filing was made prior to the Commission's Opinion No. 633, New England Power Company, and that because of the method of regional dispatch of generation in the New England region, in which the Company

[1] See Appendices A and B.

participates through membership in NEPOOL, it would not be possible for the Company to ascertain the Account 151 costs associated with a substantial portion of the Company's purchased energy as required by Opinion No. 633. The settlement further provides for the filing of testimony upon the reserved issue. We find that this proposal has merit and accordingly shall fix dates for the service of evidence and hearing on PSCNH's fuel adjustment clause.

Our review of the proposed Settlement Agreement and the cost of service in support thereof (Appendix A) indicates that the rates are not excessive.

The Commission finds:

The settlement of this proceeding on the basis of the Settlement Agreement certified herein by the Presiding Judge is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and should be approved as hereinafter ordered.

The Commission orders:

(A) The Settlement Agreement certified by the Presiding Judge on May 16, 1973, is incorporated herein by reference and made a part hereof, and is approved and adopted.

(B) Service of evidence and hearing on the reserved issue concerning the fuel adjustment clause shall be in accordance with the following schedule:

Staff and intervenor evidence	November 6, 1973
PSCNH rebuttal evidence	November 20, 1973
Hearing	December 4, 1973

(C) Within 30 days from the date of this order, PSCNH shall file with the Commission revised tariff sheets in conformity with the terms of the Settlement Agreement as approved herein.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, PSCNH, or by any other party or person affected by this order in any proceeding now pending or hereafter instituted by or against PSCNH or any other person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Settlement cost of service*

Rate base	$23,262,084
Revenue requirement	8,509,923
Other operating revenues	500,540
Total	9,010,463
Operating expenses:	
Operating and maintenance	4,898,858
Depreciation	856,272
Other taxes	848,534
Income taxes	559,791
Total	7,163,455
Return	1,847,008

Rate of return—7.94 percent.

APPENDIX B

CAPITALIZATION AT MARCH 31, 1972, AS ADJUSTED

	Amounts	Ratios	Component return	Weighted component return
	(*Thousands*)		(*Percent*)	
Long-term debt	$167,578	52.39	6.26	3.28
Preferred stock	44,173	13.81	5.72	0.79
Deferred income taxes	2,696	.84	0.00	0.00
Common equity	105,403	32.96	11.74	3.87
Total capitalization	319,850	100.00		7.94

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[Docket Nos. CP66-269, etc.; Opinion No. 667]

TENNESSEE GAS PIPELINE CO. ET AL.

Opinion and Order Approving Settlement, Issuing Certificates and Severing Proceedings

OCTOBER 24, 1973.

In the matter of Tennessee Gas Pipeline Company a division of Tenneco Inc., Amoco Production Company, The Delta Development Company, Inc., Moise W. Dennery, Charles William Fasterling, Gertrude Jackman Fasterling, John Bernard Fasterling, III, The Louisiana Land and Exploration Co., Joseph McCloskey, Joan B. Fasterling Meyers, Edity Fasterling McGee and Kenneth C. McGee, Docket Nos. CP66-269, CI66-910, etc., CI67-1805, CI67-1806, CI67-1807, CI67-1808, CI67-1809, CI67-1810, CI67-1811, CI67-1812, and CI67-1813, respectively.

1. This proceeding involves a lease-sale transaction by which Amoco Production Company (Amoco) [1] transferred certain gas reserves in the Bastian Bay Field located onshore in Plaquemines Parish, Louisiana, to Tennessee Gas Pipeline Company (Tennessee). The basic issues are whether the lease-sale transaction should be adopted in the form created by the parties and whether, if approved, it should be conditioned to reflect applicable area prices and other factors. The proceedings are again before us upon certification on April 11, 1973, by Presiding Administrative Law Judge Walter T. Southworth of proposed stipulations for settling the contested issues, motions and comments filed relating thereto, and the record of the proceedings.

2. The principal owner of the lands and leases here in question is The Louisiana Land and Exploration Company (Land Company). In 1938 Land Company granted a royalty interest in certain of the lands to the predecessor of the Delta Development Company, Inc. and in 1955 and 1959 made several leases to Pan American's predecessor reserving royalty interests. On July 15, 1960, Pan American entered into the lease sale agreement with Tennessee.

3. Under the lease-sale agreement Tennessee agreed to pay a total consideration of $159,463,500, of which $9,427,104 was a down-payment and the remainder was represented by non-interest bearing notes due each year through 1977. The parties agreed that the amount of recoverable reserves attributable to the net leasehold interest assigned was 759,350,000 Mcf of gas and 7,650,000 barrels of oil. The unit price of gas under the agreement thus amounted to 21-cents per Mcf. The agreement provides for a redetermination, upon request, of the recoverable reserves after 900,000,000 Mcf of gas has been produced or after January 1, 1973, and the purchase price would then be adjusted proportionately.

4. Under the agreement Amoco retains rights to deep reserves, production payments from separator liquids until 85 percent of the natural gas is produced less Tennessee's costs of development and operation, production payments from oil until 85 percent is produced less only taxes, and the right to process the gas, but Amoco must pay Tennessee its cost for resultant reduction in volume.

5. When the lease-sale was executed Tennessee, Pan American and Land Company executed a letter agreement dated July 15, 1960, consenting to the transfer of the leases, and agreeing that Tennessee should pay a royalty to Land Company of 22.5 cents per Mcf through 1961 and 25.0 cents per Mcf thereafter plus taxes. On December 28, 1960, Tennessee and Pan American entered into an agreement for the same royalty with Delta. The transfer of the various leases to Tennessee took place on December 30, 1960, without Commission authorization.

6. Acting under a budget authorization, Tennessee then constructed a short connecting line to the field and commenced operations. However, the Commission on December 12, 1963, determined that the budget authorization did not cover Tennessee's construction and that Pan American's transfer of reserves was subject to the Commission's jurisdiction.[2]

7. In accordance with the Commission's order Tennessee in Docket No. CP66-269 applied for a certificate authorizing the connecting line, and in Docket No. CI66-910 Pan American sought a certificate approving its transfer of the Bastian Bay leases. On June 29, 1967 (37 FPC 1195), the Commission stated that Land Company, Delta and other royalty owners in Bastian Bay had made separate contracts with Tennessee for royalties so that it appeared that these royalty owners were engaged in the jurisdictional sale of natural gas. The Commission therefore required the royalty owners to file applications for certificates of public convenience and necessity, or to show cause why they should not file, and they filed responses under Dockets CI67-1805 to CI67-1813.

8. At the hearing held on November 20, 1967, before Presiding Administrative Law Judge Robert M. Weston, the parties waived cross examination and briefs except as to jurisdiction over the royalty

[1] Formerly Pan American Petroleum Corporation.

[2] Tennessee Gas Transmission Co., 30 FPC 1477 (1963), affirmed P.P.C. v. Pan American Petroleum Corp., 381 U.S. 762 (1965), reversing Pan American Petroleum Corp. v. F.P.C., 339 F. 2d 694 (CA10, 1964).

interest. The direct evidence of the parties was introduced into the record and the Judge's decision was issued a year later, on November 22, 1968. In his decision the Judge granted certificates to Tennessee and Pan American but required them to cancel and rescind the lease-sale. Exceptions were filed and oral argument was held on November 14, 1969.

9. After extensive consideration in the light of the Rayne Field case [3] the Commission determined that the record was insufficient as to past costs or future expectations with respect to the operation of the Bastian Bay Field and on December 23, 1971, remanded the proceedings for the purpose of making a full evidentiary record upon all issues (46 FPC 1368). Specifically, the Commission required consideration of the issue whether the lease-sale should be certificated as proposed, certificated with conditions designed to reflect the applicable area price and other conventional producer-purchaser relationship, or treated in another manner. Other issues designated by the Commission include the method to be used by Tennessee in accounting for the Bastian Bay properties and production therefrom, the treatment to be accorded the royalty owners, the amount and treatment of refunds from Amoco to Tennessee, if any, and the flow-through of such refunds by Tennessee to its customers.

10. At the same time the Commission remanded Tennessee's rate case in Docket No. RP71-6 after a settlement had been proposed (46 FPC 1371). The Commission did approve the settlement with conditions on May 19, 1972 (47 FPC 1327). In doing so the Commission provided that the rates approved were subject to the present proceedings with respect to the valuation of the gas in the Bastian Bay Field, and that Tennessee was subject to making appropriate refunds or to flowing through refunds from Amoco, if so ordered here.

11. In accordance with the Commission's order further hearings were held before Presiding Administrative Law Judge Walter T. Southworth commencing April 18, 1972, with the evidentiary presentations concluding November 1, 1972. Conferences were later held resulting in settlement stipulations as follows: (1) a stipulation submitted by Amoco for the settlement of the contested issues in Docket No. CI66-910 providing for a certificate to Amoco under the lease-sale agreement with a refund and provision for discharge of the refund by dedication of reserves; (2) a stipulation submitted by the staff with a somewhat different formula for writing off the refund; and (3) a stipulation presented by Tennessee settling the contested issues in Docket No. CP66-269 permitting the lease-sale agreement to remain in effect, providing for the flow-through of any refunds which Amoco may not be able to write off and providing for a revolving fund to finance drilling by producers. No agreement was reached with respect to Docket Nos. CI67-1805 through CI67-1813, which represent the responses of the royalty owners.

12. Comments on the stipulations were filed by Amoco, Tennessee, Land Company, Public Service Electric and Gas Company, Consolidated Edison Company of New York, Inc., Long Island Light Company (LILCO), Brooklyn Union Gas Company, the Public Service Commission for the State of New York, and our staff. At a final hearing session on April 5, 1973, further comments were made on the stipulations, which, along with the filed comments, were included in the record. At that session Amoco and Tennessee moved that their proceedings be severed from those of the royalty holders and determined separately. On April 11, 1973, the Judge, on motion of the parties except for Land Company, which did not oppose, certified the record to the Commission.

13. On the basis of the comments written and oral all parties either do not object or accept the settlement except that, as noted, staff proposes an alernative refund write-off formula and Land Company supports the settlement only on condition that it should be held to have shown cause why no certificate should be required as to it and that it should be discharged from the proceedings. The Amoco stipulation is affirmatively supported (and Staff's alternative opposed) by Brooklyn Union, Consolidated Edison, Public Service Electric and Gas, LILCO, and the New York Commission. On May 10, 1973, Land Company filed a protest with respect to the settlement in support of its view that it should be discharged, and this was answered the same day by the New York Commission.

14. The present record includes both the evidence presented at the 1967 hearing and that presented in 1972 on remand. The record on remand includes data on the Bastian Bay gas reserves, evidence under various assumptions comparing costs under the lease-sale arrangement and costs that would arise under a conventional contract, evidence on whether Amoco should make refunds of excessive revenues to Tennessee, and evidence relating to the flow-through of refunds to Tennessee's customers.

THE SETTLEMENT STIPULATIONS

15. In Amoco's stipulation the parties agree to accept, or not to oppose, an order of the F.P.C. issuing a certificate to Amoco authorizing the sale of natural gas under the lease-sale arrangement without modification subject to the following conditions:

16. Amoco shall have a total dollar obligation to Tennessee of $8,000,000 (of which $2,000,000 represents principal and $6,000,000 represents interest). Amoco may reduce this obligation by committing to Tennessee during an eight-year period up to 800 Bcf of new gas reserves. 200 Bcf of these reserves are to come from fields located onshore. Cumulative credits against the total obligation shall be at the rate of 1 cent per Mcf of new gas reserves committed plus increasing amounts for increments of onshore reserves added so that the average credit for the onshore reserves will amount to an additional 1 cent per Mcf. Amoco may increase its dedication of onshore reserves up to 400 Bcf with the additional credit of 1 cent per Mcf. The result is that if Amoco is able to offer 200 Bcf, or more, of onshore reserves, the total credit for such reserves is 2 cents per Mcf compared with one cent per Mcf for the offshore reserves. Provisions are made for substituting offshore reserves where Tennessee is unwilling to contract at the going price for onshore reserves or the F.P.C. is unwilling to issue a certificate at such a price. Onshore new gas reserves may be offered up to the going price in the area and use may be made of the optional procedure under Order No. 455.[4]

17. Amoco expects to offer to Tennessee 10 percent of its onshore new gas reserves which it may have available for sale over the eight-year period, and Amoco shall have a minimum obligation to offer to Tennessee an average of 30 percent of the onshore new gas reserves committed for interstate sale east of the Rockies during the eight-year period with certain provisos.

18. Offshore new gas reserves may be offered by Amoco at prices up to the going price in the offshore area subject to the F.P.C. provided that the optional procedure provided by Order No. 455 shall not be used unless the F.P.C. permits optional pricing for write-off of refund obligations governed by Opinion Nos. 595, 598 or other area rate decisions.

19. Any dollar obligation remaining at the end of the eight-year period shall be paid by Amoco to Tennessee with seven percent simple interest. However, Amoco and Tennessee may petition the F.P.C. to expend the remaining amount in exploratory drilling for the benefit of Tennessee.

20. The stipulation is not to become effective until approved by the Commission on or before 180 days from the date it was certified to the Commission, and the order shall have become final and non-appealable, but Amoco may waive the requirement that the order become final and non-appealable. If not approved the stipulation will be privileged and of no effect. The stipulation asserts that it represents a negotiated settlement and no party shall be deemed to have agreed to any underlying principle. By letter filed October 5, 1973, Amoco agrees to extend the time for Commission action for 90 days from and after October 9, 1973. Amoco states that all parties were notified by letter of September 26, 1973, and no objection has been received.

21. The staff proposed stipulation is nearly identical except for the write-off

[3] Texas Eastern Transmission Corporation, et al., 42 FPC 376 (1969), 44 FPC 1079 (1970) appeal docketed, Nos. 24716, et al., CADC, October 19, 1970.

[4] Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. R-441, 48 FPC 218 (1972).

provisions. It provides that the 800 Bcf of new reserves to be committed by Tennessee in reducing its refund obligation shall be located in fields east of the Rockies, either offshore or onshore. The credit would be at the flat rate of one cent per Mcf subject to a provision that if Tennessee is unwilling to accept an offer of reserves which qualify for work-off credit or the FPC refuses to issue an acceptable certificate Amoco will be entitled to the credit as though the reserves had been committed.

22. As in the Amoco stipulation, new gas reserves may be offered up to the going price, subject to F.P.C. approval, but the Optional Procedure under Order No. 455 may not be used at all (although it was permitted by the Amoco stipulation for onshore reserves) unless the F.P.C. permits it for write-offs under area rate decisions. The staff stipulation explicitly states that Amoco shall have no specific obligation to tender onshore new gas reserves. Like Amoco, Staff by letter of October 9, 1973, would extend the time for approval of its stipulation by 90 days from and after October 9, 1973.

23. Like the stipulation of Amoco and the staff, Tennessee provides with respect to Docket No. CP66-269 that the lease-sale agreement and the resulting assignment and conveyance shall remain in full force and effect. Tennessee agrees to flow-through to its customers the full amount of any refunds by Amoco or the royalty owners with interest.

24. For the duration of production Tennessee shall continue for rate making purposes to treat the production of hydrocarbons from the leases involved in the lease-sale on a cost-of-service basis, but shall otherwise not be required to change its rates in conformity with the Commission's order issued May 19, 1972, with Opinion No. 619.

25. Tennessee commits itself to contribute $3,500,000 as a revolving fund to producers, including its affiliate Tenneco Oil Company, for exploration for gas production. The contributions will be only for prospects onshore and economically accessible to Tennessee's system. Tennessee shall endeavor to obtain a call on all gas so discovered but in any event shall require any producer when it commits funds to agree to sell a fair share to Tennessee. Any gas so committed to Tennessee's system will be on such pricing basis as is then allowed by the Commission and negotiated between Tennessee and the producer.

26. Tennessee is to account for the contributions in accordance with the provisions of the Uniform System of Accounts but shall not include any part of the contributions in its cost of service for rate making purposes. Producers are to repay the contributions in gas or in cash and Tennessee is to reinvest the amounts in contributions to producers. Tennessee may require the producers to repay the amount even if the exploratory drilling is not successful but is not obligated to require such repayment. Where repayment is made by an affiliate after an unsuccessful venture, Tennessee shall not be required to reinvest the repayment.

27. The agreement is not to become effective until the Commission shall have entered a final order approving the stipulation on or before 180 days from the date the stipulation is certified to the Commission and the order shall become final and non-applicable, but Tennessee may waive the requirement that the Commission's order become final and non-appealable. By letter of October 4, 1973, Tennessee advises that it is willing to extend the time period by an additional 90 days from and after October 9, 1973.

28. The stipulation, if not approved, is privileged and of no effect. It is stated to represent a negotiated settlement and no party is deemed to have agreed to any underlying principle.

THE STIPULATIONS IN THE LIGHT OF THE RECORD

29. In our opinion the settlement stipulations are supported by the record. Of particular importance in this respect are the following matters: (1) the preservation of the lease-sale arrangement; (2) the refund by Amoco of $8,000,000 to Tennessee; and (3) obligations of Tennessee to its customers.

(1) The Preservation of the Lease-Sale Arrangement—

30. In our opinion the preservation of the lease-sale arrangement, to which no participants objected, when viewed together with other settlement provisions offered by the contracting parties, is in accordance with the public convenience and necessity. By the end of 1971, about one-half the reserves, as originally estimated had been delivered, and almost 70 percent of the purchase price had been paid. Since this is no longer an executory transaction, even if this were a contested proceeding, we would be loath to order rescission or radical modification. We may note that the situation presented on this record differs from that in the Rayne Field case[2] involving a lease-sale, where we were impressed with the uncertainty and inflexibility of the arrangement. In Rayne there was a fixed dollar price for the reserves; in the present proceeding the price amounts to 21 cents per Mcf based on the contractual reserve estimate or on any redetermined estimate.

31. The essence of the Bastian Bay lease-sale is that Tennessee acquired a large reserve for which the record shows an increasing need. The record shows that these onshore reserves have been used to meet emergencies during a hurricane period when producers offshore were shutting down their facilities. Under the lease-sale form of transaction Tennessee, within physical limits and possible limitations imposed by state allowables, has obtained the right to produce gas at whatever rate of take it may desire without incurring take-or-pay obligations.

32. Evidence in the record shows that under a conventional contract the daily contract volume might have been approximately 151 Mmcf per day with a daily take tolerance from 136 to 167 Mmcf per day. In contrast, during the years 1961 through 1967 Tennessee's takes have ranged from zero to 360 Mmcf per day. Thus Tennessee has used the flexibility of Bastian Bay as a storage facility without incurring the necessary investment or operating costs.

33. There are cost comparisons in the record indicating that over the life of the field the cost under the lease-sale arrangement would be greater than under a conventional contract under estimated area rates. Thus staff's witness Loring using data presented by staff's witness Fell, who in turn relied on data presented by Tennessee at the request of the staff, testified that Tennessee's overall cost of Bastian Bay gas over the life of the field using area rates is lower than under the lease-sale. He found that the total conventional cost plus tax would be $248,511,818. Discounting this amount at 6 percent back to the beginning of operations, 1961, he reached a discounted cost of $135,111,640.

34. For comparison, the witness set forth costs under the lease-sale over the life of the field arriving at $306,634,475 undiscounted and $162,280,697, discounted. Alternatively, he made a similar computation treating the lease-sale as a cash purchase as of 1961. Under that assumption his net cost of service was $280,389,200, undiscounted, and $161,746,046, discounted.

35. Amoco also made a cost comparison. Using the contractual reserve figure of 759,000,000 Mcf it found a value, at area rates for the net working interest in the Bastian Bay gas, exclusive of production taxes, of $160,907,017 or 21.190 cents per Mcf, compared to the contractual amount of $159,463,500 or 21.00 cents per Mcf. Using Amoco's claimed reserve figure of 902,000,000 Mcf, the value became $199,521,418 or 22.105 cents per Mcf compared to $189,543,480 under the contract rate of 21.0 cents per Mcf. The differences in these results are, of course, due to the assumptions. The staff, for instance, did not use as high a rate of take and used a two-year rather than a one-year make-up provision in computing costs under a conventional contract.

36. Tennessee prepared cost computations in rebuttal to those of the staff. On the conventional basis its witness Thornhill found a cost of $331,658,767, undiscounted and $147,536,912, discounted. On a lease-sale basis for the life of the field the witness found a cost of $347,337,507, undiscounted and $173,844,185 discounted. Tennessee used rates of return of 6⅛ percent and 8.45 percent rather than staff's 6 percent, a discount rate of 8 percent instead of staff's 6 percent, and a different treatment of income tax. We do not think it useful to resolve the many issues raised by the varying methods of cost computation as we believe that in any case when all factors are

[2] Supra, 42 FPC at p. 383.

taken into consideration the results are consistent with permitting the least-sale arrangement to continue in effect.

37. One important factor is that Tennessee acquired the equivalent of a storage field. As already noted, during the early years of the contract it made extensive use of the field for swing purposes, that is taking the gas when it was needed but retaining it in the field at other times. Amoco shows that Tennessee has stored up to about 165,000,000 Mcf in this manner. Based on data from other storage fields Amoco computes that an operating charge for storage would be about 4 cents per Mcf and fixed charges would be about 12 cents per Mcf. For the early period this represents costs saved to Tennessee of about $26 million. For the period 1961 through 1971 the staff shows undiscounted conventional costs of $124,448,659 compared with lease-sale costs of $148,899,215. If $26 million is deducted from the lease-sale costs, they become approximately the same as the conventional costs. We recognize that the record indicates that the variations in take from Bastian Bay became more modest in 1970 and 1971, the last years covered by the record but the storage potential is still present.

38. To conclude, because the lease-sale arrangement has been successfully used for a number of years and has provided peculiar benefits to Tennessee we are of the opinion that there is no reason to disapprove the lease-sale arrangement, but it would be in the public interest to leave it intact subject to the conditions set forth in the settlement.

(2) Amoco's Refund Obligation—

39. Amoco's $8 million refund obligation in the proposed settlement is a negotiated figure. On the record the staff computed what it called excess payments, meaning the difference between the net consideration received by Amoco under the lease-sale arrangement, namely the note payments plus other monetary benefits resulting from Tennessee's operation of the properties, and the revenues that would have been received by Amoco at applicable area rates under a conventional contract. Staff witness Zenith found excess payments for the 1961–1971 period amounting to $29,837,644 plus interest of $19,512,783 at 7 percent. In arriving at this result he used for computing revenues under area rates a daily contract quantity of one Mcf for each 8000 Mcf of original net recoverable reserves and a two-year make-up period for deficient takes. After deducting prepayments of $30,402,694, which Tennessee would be permitted to retain, he arrived at flow through refunds of $18,947,733.

40. Amoco's witness Baumunk adjusted the staff refund calculation to arrive at a refund of $12.3 million plus interest of $12.4 million or a total of $24.7 million. He excluded certain costs and added the year 1972 contending that this would make years and note payments correspond. Further, on different assumptions, which he considered more appropriate, with respect to rate-of-take and make-up periods he showed refunds diminishing to a negative amount of $14.1 million, principal. Again we do not believe it is necessary to go into the precise validity of the assumptions made. Some of the costs excluded from the lease-sale calculation represent overhead which arguably could have been excluded. Items of considerable impact in conventional contracts are the rates of take and the make-up periods. There is evidence in this record of rates-of-take under contracts in Southern Louisiana dating from the period of the lease-sale which shows that annual volumes have been in excess of the 1:8000 basis and that the predominant contractual provision for a make-up period was one year. In view of these considerations the proposed refund of $8,000,000 is supportable by the record. We therefore find no difficulty with it and believe it is consistent with the public convenience and necessity.

(3) Obligations of Tennessee to its Customers—

41. Tennessee, as outlined above, undertakes to establish a $3.5 million revolving fund for financing gas exploration. The record shows that Tennessee recorded on its books during the years 1961 through 1971 about $11 million in capital expenditures which actually had been recovered from Amoco through condensate revenues. These amounts were claimed as rate base in Docket No. RP71–6 and thereby increased Tennessee's costs and rates since the RP71–6 rates went into effect on March 17, 1971. The settlement rates in RP71–6 were made subject to the outcome of Bastian Bay, but, in view of the settlement here, Tennessee's rates will not be changed nor refunds ordered as a result of Bastian Bay. We think that Tennessee's offer of a revolving fund of $3.5 million is a reasonable resolution of this issue on which there is no controversy.

42. The issue as to whether Tennessee's customers are entitled to a portion of refunds received by Tennessee from Amoco or the royalty owners has been resolved by Tennessee's undertaking to flow-through to its customers all of such refunds.

THE REFUND WRITE-OFF FORMULA

43. Staff objects to the write-off formula in Amoco's stipulation particularly the distinction between onshore and offshore dedications by which write-off credits above one cent per Mcf are given for onshore dedications and can be received for onshore dedications at optional prices under Order No. 455. Staff points out that Amoco's write-off provision differs greatly from the Commission's refund write-off policies as expressed in Opinion Nos. 598 and 595,* and the producers not involved in Bastian Bay might seek the same write-off treatment. The Staff also argues that the optional pricing feature in Amoco's stipulation is contrary to Order No. 455 and that other producers would seek the same kind of relief. Staff adds that the refund write-off of 2 cents per Mcf for onshore dedications would provide no additional incentive unless the optional pricing feature is accepted because competitive prices are substantially higher than the 26 cent area rate in Southern Louisiana.

44. As already indicated, the other parties commenting on the stipulations supported Amoco's write-off plan rather than the staff's. Variously expressed, their argument was that the provisions in Amoco's stipulation providing for the dedication of onshore reserves would be more in the public interest than staff's provisions because they would cause the dedication to the interstate market of gas that would otherwise go to the intrastate market over which the Commission has no jurisdiction.

45. We are of the opinion that staff's version of the refund write-off should be accepted principally on the ground that Amoco's stipulation would represent a discriminatory treatment of the write-off problem contrary to the area cases. As set forth earlier, the Amoco stipulation provides for onshore dedications with write-off credits in excess of one cent per Mcf and permits credits for onshore dedications where the gas is sold at optional prices under Order No. 455 instead of area prices. In contrast, Opinion No. 598 provides for a refund credit of one cent for each Mcf of new gas reserves committed to jurisdictional sales from the area (46 FPC at pp. 141, 147).

46. Amoco argues that producers subject to the various area proceedings are in an entirely different posture. Amoco says that to gain application of the formula presented by it here other producers would have to convey the producing leases to the pipeline, relinquish control over lease operations, undertake an additional specified dollar obligation to the pipeline, offer a specific percentage of future interstate sales to the pipeline and otherwise carry out the obligations of the lease-sale and Amoco's stipulation. In our opinion these distinctions between Amoco and other producers are not persuasive. In either case we would be dealing with a producer selling gas to a pipeline and liable for a refund. The refund evidence in this case is based upon the area price for flowing gas and presumably the settlement figures of $8,000,000 reflects that evidence. Although specifically excluded by Opinion No. 598 the Bastian Bay proceeding was originally part of the Southern Louisiana area proceeding. While a legalistic distinction can be made between Amoco and the other producers, it would be unjust and discriminatory for Amoco to receive a write-off credit of 2 cents per Mcf with repect to the onshore gas while other producers receive only one cent per Mcf. In Placid, supra, affirming Opinion 598, the court recounted that certain intervening parties contended that

* Southern Louisiana Area Rate proceeding, 46 FPC 86 (1971); aff'd. Placid Oil Company v. F.P.C. —— F.2d —— (CA5, April 16, 1973) No. 71–2761. Texas Gulf Coast Area Rate proceeding, 45 FPC 674 (1971); remanded Texas Gulf Coast Area Natural Gas Rate Cases, —— F. 2d —— (CADC, August 24, 1973), No. 71–1828, because, among other things, further explanation was required for the work-off system adopted.

Amoco was premature in objecting to separation of the Bastian Bay proceeding since there is no indication that its Bastian Bay sale would receive disparate treatment. We think that without more than is shown here that the refund write-off issue should receive the same treatment.

47. Furthermore, as staff points out, the refund write-off of 2 cents per Mcf for onshore dedications would provide no additional incentive to Amoco to dedicate onshore reserves unless the optional price feature of the stipulation is accepted. We can take notice that intrastate prices in the Southern Louisiana area are much more than 2 cents above the area rate of 26 cents per Mcf.

48. In our opinion the optional pricing procedure under Order No. 455 is not applicable where the dedications of gas are to be used to write-off refund obligations. In Order No. 455 we expressly said that reserves dedicated under the optional procedure would not count toward discharge of refund obligations under area rate opinions (48 FPC at p. 228). While this is not an area rate proceeding it is so closely related to the Southern Louisiana proceeding that it would be unjust and discriminatory to permit Amoco to use the optional procedure.

49. We agree with the staff that the differences in the refund work-off formula in staff's stipulation from that in Opinion Nos. 595 and 598 are not significant. Dedications here may be made anywhere in the continental United States east of the Rockies instead of only in the pricing area. Also for Amoco to receive credit 100 percent of the dedications must be made to Tennessee, not only 50 percent as in Opinion Nos. 595 and 598. The staff stipulation gives credit for dedications where the sale is not approved by F.P.C. or approved only with conditions different from those applicable to similar sales. Further, the staff stipulation does not require rejection by the pipeline to whom the refunds are owed in order to permit refund credit where reserves are committed to other buyers as Opinion No. 598 requires. These differences in our opinion make the staff stipulation adaptable to this proceeding without being violative of the precedent of Opinion Nos. 595 and 598 on such fundamental matters as the level of write-off credit and the use of optional pricing.

THE POSITION OF LAND COMPANY

50. Land Company filed an answer to motions for approval of the settlements and a protest to the proposed settlements. It argues on the law and the evidence that the royalty owners have not sold gas and are not subject to the jurisdiction of the Commission. It prays that the Commission issue the certificates requested by Tennessee and Amoco but only in the event that Land Company should be held to have shown cause why no certificate should be required as to it and should be hence discharged and the proceedings in Docket No. CI67-1810 terminated.

51. Amoco and Tennessee have asked that their dockets be severed from the royalty owner dockets. New York and staff similarly ask that the Commission in approving the Amoco and Tennessee proposals sever the royalty dockets for subsequent resolution, and that the legal issues, which they contend are separable, be resolved after further opportunity for briefing.

52. In our opinion based upon the record the relations between Tennessee and the royalty owners involve issues, legal and factual, that may be considered separately. The settlement agreements did not extend to these issues. In approving the stipulations we shall grant the Amoco and Tennessee motions that their dockets be severed, and we shall provide for further briefing before making a determination on the issues or remanding if further evidence should appear necessary.

53. We are aware that in our order of December 23, 1971, remanding these proceedings we noted that the issue of our jurisdiction over the royalty owners had already been briefed and further evidence was not required. At the present time further briefing on the legal questions is required and it is necessary to deal with additional evidence in the 1972 record on alleged excess payments and refunds with respect to the royalty interest gas. To avoid unnecessary work any party or intervenor will be permitted to incorporate by reference protests or comments filed with respect to the settlement stipulations.

The Commission further finds

(1) Tennessee Gas Pipeline Company, a Division of Tenneco Inc., is an interstate pipeline and is a "natural-gas company" within the meaning of the Natural Gas Act.

(2) Amoco is a natural-gas company within the meaning of the Natural Gas Act.

(3) The sales and transportation of natural gas hereinbefore described, as more fully described in the respective applications, are made in interstate commerce, subject to the jurisdiction of the Commission and such sales and transportation, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(4) Amoco and Tennessee are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) The sale of natural gas by Amoco and the transportation and sale of natural gas by Tennessee, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(6) The disposition of the issues in Docket Nos. CP66-269 and CI66-910, et al. on the basis of the settlements filed by staff and Tennessee and certified to the Commission on April 11, 1973, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective.

(7) Good cause has not been shown for adopting the stipulation presented by Amoco.

(8) It is necessary and proper that Docket Nos. CI67-1805 through CI67-1813 be severed and that opportunity for briefing be afforded as provided below

The Commission orders

(A) Certificates of public convenience and necessity are issued authorizing Amoco to sell natural gas in interstate commerce for resale, Tennessee to transport and sell natural gas in interstate commerce for resale and both the Applicants to construct and operate the facilities subject to the jurisdiction of the Commission necessary therefor, as described above or in their applications, upon the terms and conditions of this order.

(B) The certificates issued by paragraph (A) above and the rights granted therein are conditioned upon Applicants' compliance with all applicable Commission Regulations Under the Natural Gas Act; for Tennessee, with the general terms and conditions set forth in paragraphs (a), (e), (f) and (g) of Section 157.20 of such Regulations; and with respect to the settlement stipulations filed by staff and Tennessee and referred to above.

(C) Within 30 days of the issuance of this order Amoco shall file with this Commission a rate schedule applicable to the sale herein authorized.

(D) The settlement stipulations filed by staff and Tennessee are hereby approved.

(E) This order is without prejudice to any findings or orders which have been made or will hereafter be made by the Commission, and is without prejudice to any claims or conditions which may be made by the Commission, its staff, Amoco, Tennessee, or any other party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Amoco or Tennessee or any other person or party.

(F) Docket Nos. CI67-1805 through CI67-1813 are severed; briefs on the question of whether Land Company and other royalty are selling gas to Tennessee and are subject to the jurisdiction of the Commission and whether they are liable for refunds may be filed by any party or intervenor within 60-days of the issuance of this opinion and order and reply briefs within 30-days thereafter. In preparing such briefs or reply briefs any party or intervenor may incorporate by reference any filing made by way of comment or protest with respect to the settlement stipulations.

By the Commission. Commissioner Brooke, concurring, filed a separate statement appended hereto.[7] Commissioner Moody, dissenting, filed a separate statement appended hereto.[7]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23259 Filed 10-31-73;8:45 am]

[Docket No. ID-1663]

THEODORE W. MILLSPAUGH, JR.

Notice of Application

OCTOBER 24, 1973.

Take notice that on October 16, 1973, Theodore W. Millspaugh, Jr. (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the position of Treasurer of Central Vermont Public Service Corporation and Connecticut Valley Electric Company, Inc.

Central Vermont Public Service Corporation engages in the generation and purchase of electric energy and its transmission, distribution and sale for light, power, heat and other purposes to about 92,600 customers in Middlebury, Randolph, Rutland, Springfield, Windsor, Bradford, Bennington, Brattleboro, St. Johnsbury, St. Albans, Woodstock and 163 other towns and villages in Vermont.

Connecticut Valley Electric Company, Inc. engages in the purchase of electric energy and its transmission, distribution and sale for light, power, heat, and other purposes to about 8,000 customers in Claremont and 18 other towns and villages in New Hampshire.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23268 Filed 10-31-73;8:45 am]

[Docket No. CP73-117, etc.]

UNITED GAS PIPE LINE CO. ET AL.

Order Granting Extension of Time and Setting New Date for Cross-Examination of Supply Evidence

OCTOBER 24, 1973.

In the matter of United Gas Pipe Line Company, United Gas Pipe Line Company, Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Southern Natural Gas Company, Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation, Docket Nos. CP73-117, CP 73-168, CP73-169, CP73-170, CP73-171, CP73-179, CP73-180, CP73-189 (Phase I).

On September 26, 1973, Staff of the Federal Power Commission moved to extend the time in which it may file evidence or rebuttal evidence on the reserve calculations and deliverability projections of United Gas Pipe Line Company's (United) system to January 10, 1974 or until it has completed its investigation of United's gas supply. Utilities[1] support the motion and request that cross-examination begin 20 days after all evidence or rebuttal evidence on United's gas supply has been filed. United generally opposes the motion and states that Staff should be directed to complete its study of United's reserves while the ancillary issue of Staff's rights under the Natural Gas Act to data reproduction and maintenance thereof is pending. United asks that Staff be allowed 30 days from the date of this order in which to complete its investigation and file evidence. Exxon Corporation (Exxon), not a party herein, but an owner of gas reserves dedicated to Sea Robin Pipe Line Company, by telegram filed October 15, 1973 likewise opposes Staff's motion or in the alternative suggests a 15 day extension of time.

For the reasons and to extent stated below we grant Staff's motion and Utilities request. While we are cognizant that a prior extension of time was granted[2] for essentially the same purposes for which the instant extension is sought, the circumstances put forward by the pleadings before us dictate the results herein reached.[3]

Where natural gas service to certain customers is subject to abandonment under section 7(b) of the Natural Gas Act, gas supply matters must be fully considered. Analyses, independent of United's, are a desirable element of that consideration, particularly for purposes of these proceedings.

Staff, therefore, will be granted an extension to January 10, 1974, to complete its investigation. We are of the opinion that commencement of cross-examination of reserve witnesses on January 28, 1974 provides sufficient time within which to prepare therefor and we so order.

We now turn to the issue of whether Staff must retain reproduced copies of data that it has or will examine. Staff need not do so inasmuch as we recognize the practical and administrative burdens that such an undertaking would give rise to. However, sections 8, 10 and 14 of the Natural Gas Act grant this Commission the authority and power to examine and have access to reserve data for reserves dedicated to jurisdictional pipelines. These sections also prescribe that natural gas companies shall keep and maintain such data so that Commission access thereto can, at all times, be effectuated. We, therefore, will direct the companies[4] holding such reserve data to keep and maintain all data pertaining to United States reserves for purposes of access thereto by the Commission or its Staff and until further notification by the Commission.

Staff is directed to maintain its work papers on the data that it will examine together with a detailed list(s) of all documents examined. Each producer or party holding data shall indicate its agreement in writing, on each list presented by Staff that said list(s) contain(s) a description of all the data examined by Staff. Staff shall maintain the original list(s) with a copy going to the producer or party whose data appears thereon. Said party or producer shall maintain the data until further order of the Commission. Should the need arise during the pendency of cross-examination, Staff and parties shall have the opportunity to seek through the Presiding Administrative Law Judge reproduction of the document or particular data upon which any conflict is based.

The Commission orders:

(A) The data heretofore mentioned shall be kept and maintained as prescribed above.

(B) Staff's Motion for Extension of Time and Utilities Motion for Extension of Time to Commence Cross Examination of Supply Evidence are granted to the extent above limited.

(C) Any rebuttal evidence shall be filed on January 21, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-23256 Filed 10-31-73;8:45 am]

[Docket Nos. CP74-82, CP74-83]

UTAH GAS SERVICE CO.

Notice of Applications

OCTOBER 24, 1973.

Take notice that on September 27, 1973, Utah Gas Service Company (Appli-

[7] Filed as part of the original document.

[1] New Orleans Public Service Inc., Louisiana Power and Light Company, Mississippi Power and Light Company, Gulf States Utilities Company and Mississippi Power Company.

[2] See our Order on Reconsideration issued herein on May 16, 1973.

[3] Mindful of our desire for an expeditious resolution of the matters presented in these dockets, we may well have reached a different result if the situation were not as presented.

[4] It would appear that those in possession of the complete information required to make a determination of the reserves attached to Sea Robin are the producers from which it purchases natural gas. These include, but are not limited to: Signal Oil & Gas Company; Amerada Hess Corporation; Louisiana Land and Exploration Company; Texaco, Inc.; Amoco Production Company; Pennzoil Offshore Gas Operators, Inc. (POGO); Mesa Offshore Company; Texas Production Company; Ecee, Inc.; Pinto, Inc.; Gulf Oil Corporation; Exxon Corporation; Mobil Oil Corporation; Dixilyn Corporation; Perry R. Bass, Agent; Shell Oil Corporation; Chevron Oil Company, The California Company Division; Pennzoil Production Company; The Offshore Company; Midwest Oil Corporation; Argonaut Petroleum; Occidental Petroleum Company and Charter Exploration & Production Company.

cant), Suite 1210, Denver Center Building, 1776 Lincoln Street, Denver, Colorado 80203, filed in Docket Nos. CP74–82 and CP74–83 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing a volumetric exchange of natural gas with and the sale for resale of natural gas to the Northwest Division of El Paso Natural Gas Company (El Paso), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that since it is unable to procure increased volumes of gas from El Paso to meet the increasing needs of residential and commercial customers, Applicant has secured a source of intrastate supply from production in the Altamont Area of Duchesne County, Utah. Applicant proposes in Docket No. CP74–83 to utilize said supply of gas to meet the needs of the community of Vernal and to deliver a portion which is remaining to El Paso at an interconnection to be established in Uintah County, Utah, pursuant to a gas exchange agreement dated September 19, 1973. El Paso is to redeliver to Applicant on a volumetric exchange basis at four existing upstream delivery points on El Paso's pipeline which are presently used to deliver gas to Applicant in San Juan County and Grand County, Utah. The application in Docket No. CP74–83 states the exchange agreement shall be for a primary term ending May 1, 1977, and thereafter until cancelled upon six month written notice.

Applicant proposes in Docket No. CP 74–82 pursuant to a gas purchase agreement with El Paso dated September 19, 1973, to sell to El Paso certain volumes of said gas which are surplus to the requirements of Applicant's intrastate system and the volume of gas it proposes to exchange with El Paso in accordance with the exchange agreement of September 19, 1973. The application states the price will be 45 cents per Mcf for gas sold during the period ending December 31, 1973 escalating one cent for each succeeding year until the expiration of the gas purchase agreement's term on May 1, 1977.

Applicant states that the exchange and sale are advantageous to both parties and will bring a supply of natural gas into the interstate market which would not otherwise be available. Applicant further states that no new facilities will be required other than a metering station to be constructed by El Paso at the proposed interconnection in Uintah County, Utah.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23261 Filed 10-31-73;8:45 am]

[Docket No. RP74-29]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Filing of Proposed Plan for Curtailment of Deliveries

OCTOBER 29, 1973.

Take notice that on October 9, 1973, Midwestern Gas Transmission Company, a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes to Third Revised Volume No. 1 of its FPC Gas Tariff, consisting of the following tariff sheets.

Original Sheets Nos. 89, 90, 91, 92, 93, 94, and 95 First Revised Sheet Nos. 5, 11, 16, 19, 20, 27, 43, 47, 52, 57, 76, 80, 81, 87, and 88.

Midwestern states the principal change on the tariff sheets is to include in the general terms and conditions of the tariff a new Article XIX entitled Curtailment of Deliveries (Southern System). Furthermore, Midwestern states the revised tariff sheets cancel Midwestern's Rate Schedule TWS. In addition, Midwestern states that the tariff sheets (1) revise the form of Sheet No. 5 to accommodate the rate adjustments provided by section 9 of Article XIX and to eliminate the rate for Rate Schedule TWS and (2) make certain minor changes in wording on the other tariff sheets filed to conform to the inclusion of Article XIX and the elimination of Rate Schedule TWS. Midwestern further states that the proposed gas curtailment provision is being filed pursuant to the Commission's Order No. 467–B in Docket No. R–469, as modified as to priority-of-service category (2) by the Commission's Opinion No. 647–A.

Midwestern requests that the filing be made effective on the proposed date of November 9, 1973, without suspension; however, should the Commission suspend such tariff sheets, Midwestern requests that the suspension be limited to a period of one day. If the Commission regards the inclusion of category (2) to be such a departure from the Commission's policy as to lead to a suspension of Midwestern's filing, Midwestern requests that Substitute Original Sheet No. 89 be submitted for original sheet No. 89. Midwestern indicates that except for the deletion of category (2), such substitute sheet is identical to the original sheet of the same number.

On September 28, 1973, in Docket No. RP74–24, Tennessee filed a plan for curtailment citing the critical nation-wide gas shortage and the abnormally high reductions in Tennessee's gas supply. As a result of this Midwestern indicates it may be unable to meet its Southern system requirements subsequent to November 1, 1973. Therefore Midwestern states, it is necessary, appropriate and in the public interest that Midwestern's proposed curtailment plan be accepted.

Midwestern's filing includes provision for an overrun penalty of $10.00 per Mcf for volumes taken in excess of curtailment volumes under the curtailment plan.

Midwestern states that copies of its filing have been mailed to all of its affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before November 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are of file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23438 Filed 10-31-73;11:02 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANKS OF FLORIDA, INC.

Formation of Bank Holding Company

American Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of each of the following banks: American National Bank of Jacksonville, American Beach Boulevard Bank, American Arlington Bank, and American Mandarin

Bank, a proposed new bank, all in Jacksonville, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 20, 1973.

Board of Governors of the Federal Reserve System, October 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc. 73-23241 Filed 10-31-73; 8:45 a.m.]

FIRST & MERCHANTS CORP.

Order Approving Acquisition of Equitable Leasing Corporation

First & Merchants Corporation, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Equitable Leasing Corporation, Asheville, North Carolina ("Company"), a company that engages in leasing personal property and equipment. Such activities have, under certain conditions, been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 21217). The time for filing comments and views has expired, and none has been timely received.

Applicant controls five banks with total deposits of $1.1 billion, representing 10.3 percent of total deposits in commercial banks in the State, and is the third largest banking organization in Virginia. (Unless otherwise indicated, all banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through October 1, 1973.)

Company, from its 12 offices in the southeastern and southwestern United States,[1] engages in the leasing of machinery, machine tools, industrial and office equipment, motor vehicles, furnishings, and fixtures to commercial and corporate lessors and also acts as agent, broker, or adviser in securing such leases for the accounts of four banks located in Indiana, Illinois, and Nebraska. It appears that approximately 85 percent of Company's leasing business and 100 percent of its agency, brokerage, and advisory business are originated within the southeastern United States and the State of Colorado, even though its customers are located in 28 States. During calendar year 1972, Company's volume of gross receipts from leases and rentals were slightly over $3 million. Company competes with numerous national and regional lessors, including national banks, that are engaged in direct lease financing; Company estimates that it has only a 0.25 percent share of the outstanding lease receivables in the South Atlantic States. With the exception of one lease acquired by a subsidiary of Applicant in 1965, Applicant and its subsidiaries do not engage in leasing activities. In light of the above facts including the relatively small size of Company, the Board finds that consummation of the proposed acquisition will have no significant adverse effect on existing or future competition.[2]

Under the Board's existing leasing regulation and interpretation, a company may engage in leasing if, at the time of the acquisition of the property by the lessor, there is a lease agreement that will yield a return during the initial term of the lease from (1) rentals, (2) estimated salvage value at the end of the minimum useful life allowed by the Internal Revenue Service, and (3) estimated tax benefit (investment tax credit and tax deferral from accelerated depreciation) that will result in full recovery of the lessor's acquisition cost (12 CFR 225.4(a)(6) and 225.123(d)). Applicant states that, with one exception,[3] all of Company's equipment and motor vehicle leases are consistent with the requirements of a full-payout lease as Company recovers in full its acquisition cost of leased personal property from rentals alone during the initial term of the lease. In this connection, it is noted that the motor vehicle lease agreement offered by Company, while generally written on a 24-month basis, permits the lessee to terminate at any time after the 12th month. Upon termination or expiration of the lease, the vehicle is sold and lessee is legally obligated to reimburse Company for any deficiency between the net sales price and Company's unrecovered portion of the acquisition cost of the leased vehicle. As the Board has previously stated, it will permit reliance on an unconditional obligation guaranteeing full-payout recovery by a *bona fide* lessee which clearly has the financial resources to meet such obligations.[4] In this case, Company has stated that its leases are primarily with business organizations or, occasionally, professional individuals, such as doctors, lawyers, and architects. Further, Company has indicated that it makes an extensive credit investigation of each prospective lessee. Accordingly, the Board concludes that Company's leasing activities are within the scope of the Board's existing leasing regulation and interpretation.

Applicant's acquisition of Company would benefit the public by increasing the line of services available to Applicant's customers and, through access to Applicant's greater financial resources, enable Company to become a more aggressive competitor in the leasing business. It appears that the proposed affiliation would not result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.[5]

The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the

[1] These offices are located in Alabama, Colorado, Florida, Georgia, North Carolina, South Carolina, and Texas.

[2] Immediately prior to consummation of the proposal herein, Company will acquire, for cash, the assets of Biltmore Leasing, Inc., Asheville, North Carolina ("Biltmore"), a corporation owned by the two principal executive officers of the Company and their wives. Applicant states that all liabilities of Biltmore will be paid and that the corporation will then be dissolved. The lease portfolio of Biltmore consists entirely of full-payout equipment leases covering small items such as cash registers and similar equipment used for retail trade purposes; its service area consists of a small region of western North Carolina centered around Asheville. Biltmore's lease portfolio is valued at approximately $150,000 and its total assets, as of May 31, 1973, were $83,500. In view of the small size of Biltmore, the Board has considered the application as one to acquire both Company and Biltmore.

[3] Applicant states that all of the leases in Company's portfolio are full-payout leases with the exception of 12 automobile leases originally written by Alabama Auto Leasing Corporation, Birmingham, Alabama, which firm Company acquired in 1972. According to Applicant, the depreciated book value of the vehicles covered by these leases was $32,765 as of April 30, 1973, out of total depreciated book value of $1,180,824 for all automobiles owned by Company. Further, all 12 leases are with a single lessee and all will be off Company's books within 22 months. On the basis of these facts, it would appear that the portion of Company's business consisting of non-full-payment leases is *de minimus*.

[4] Application of Chemical New York Corporation, New York, New York, to acquire CNA Nuclear Leasing, Inc., Boston, Massachusetts (1973 Federal Reserve *Bulletin* 698-700).

[5] It should be noted that the Board is presently considering adoption of a revised real and personal property regulation and approval of this application does not provide any assurance that Company's leasing activities will be permissible under such leasing regulation. Accordingly, Company may be required to discontinue any leasing activities that do not meet the requirements of the revised leasing regulation.

Board or by the Federal Reserve Bank of Richmond.

By order of the Board of Governors,[6] effective October 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23244 Filed 10-31-73;8:45 am]

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank

First Banc Group of Ohio, Inc., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares of First Trust Company of Ohio, National Association, Columbus, Ohio, a proposed new bank ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest bank holding company in Ohio, controls thirteen banks with aggregate deposits of $1.0 billion, representing approximately 4 percent of total deposits in commercial banks in the State.[1]

Bank is being organized to consolidate the trust business presently conducted by six of Applicant's subsidiary banks. Bank proposes to offer trust services in Franklin County, in the six counties contiguous thereto,[2] and in the fourteen Ohio counties in which Applicant has subsidiary banking offices.[3] Bank, while operating pursuant to a national bank charter, proposes to limit its services to those offered by a commercial bank trust department.[4]

Since Bank is being organized to consolidate the trust services presently provided by six of Applicant's subsidiary banks and to offer trust services in the areas where seven of Applicant's subsidiary banks presently operate without trust powers, it does not appear that any significant existing or potential competition would be eliminated upon consummation of this proposal.

The financial and managerial resources of Applicant, its existing subsidiary banks, and Bank are satisfactory and consistent with approval of this application. Applicant's existing subsidiary banks are operating without trust powers in seven Ohio counties. In only one of those seven counties is there more than one other bank which directly offers trust services. The provision of trust services by Bank in those counties will add another convenient alternative for trust services. Considerations relating to convenience and needs of the communities to be served are consistent with and lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) First Trust Company of Ohio, National Association, Columbus, Ohio, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[5] effective October 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23242 Filed 10-31-73;8:45 am]

FIRST VALLEY CORP.

Order Approving Acquisition of First Valley Life Insurance Co.

First Valley Corporation, Bethlehem, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of First Valley Life Insurance Company, Phoenix, Arizona ("Company"), a de novo company that will engage in the activity of underwriting, as reinsurer, credit life and credit accident, and health insurance. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 8694). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank, First Valley Bank, Lansford, Pennsylvania, with total deposits of $320 million. (All banking data are as of December 31, 1972 and reflect holding company acquisitions approved through August 31, 1973.)

Company will be formed as an Arizona insurance corporation with initial capital of $150,000. As Company will be qualified to underwrite insurance directly only in Arizona, its initial activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies offered in connection with extensions of credit by Applicant's banking subsidiary. Such insurance will be directly underwritten by an insurer or insurers qualified to underwrite the insurance in Pennsylvania and will thereafter be "assigned or ceded" to Company. Credit life and disability insurance is generally made available by banks and other lenders and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower.

In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant presently makes available credit life and credit accident and health insurance at rates substantially below prima facie maximum rates permitted under Pennsylvania law and Regulation 28 of the Pennsylvania Insurance Commissioner. In addition, the rates at which credit life and credit accident and health insurance are offered by Applicant's banking subsidiary appear to be below prevailing rates generally charged by others. While in prior applications to engage in this activity, each applicant has stated that it will lower its rates, the applications generally did not involve instances where the insurance was previously being offered at rates substantially below prevailing rates. In this instance, the Board believes that approval of the application will assist Applicant in continuing to make available credit insurance at rates significantly below those generally prevailing and is on that basis procompetitive and in the public interest. Accordingly, the Board concludes that such benefits outweigh any possible adverse effects of approval of this application.

[6] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governors Mitchell and Daane.

[1] All banking data are as of December 31, 1972.

[2] These counties are Delaware, Licking, Fairfield, Pickaway, Madison and Union.

[3] These counties are Franklin, Richland, Coshocton, Guernsey, Butler, Tuscarawas, Auglaize, Scioto, Wayne, Ashland, Clermont, Hamilton, Sandusky, and Portage.

[4] Although some of Bank's activities are similar in scope to those contained in regulatory proposals by the Board relating to the deposit-taking activities of trust companies acquired pursuant to section 4(c)(8) of the Act, Bank's proposed lending activities require consideration of this application under section 3 of the Bank Holding Company Act (38 FR 18691, 28082).

[5] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia.

By order of the Board of Governors,[1] effective October 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23240 Filed 10-31-73;8:45 am]

SOUTHWEST BANCSHARES, INC.
Order Approving Extension of Time To Acquire Bank

Whereas, by Order of March 23, 1973, the Board approved an application by Southwest Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1841) for the Board's approval of an extension of the time period within which Applicant might consummate acquisition of Arlington Bank of Commerce, Arlington, Texas ("Arlington Bank"); and

Whereas, that Order required that the transaction not be consummated later than three months after the effective date of the Order, unless such period was extended for good cause found by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority; and

Whereas, on three occasions since the expiration of the initial three month period, Applicant requested and was granted by the Federal Reserve Bank of Dallas an extension of time within which to complete its acquisition of Arlington Bank and the last such extension expires at the close of business this date, Applicant has requested additional time within which to complete this transaction;

Now, therefore, on the basis of the facts of record, including information provided by Applicant in connection with its application to acquire Arlington Bank, the Board hereby extends for sixty days from this date the time within which Applicant shall complete its acquisition of Arlington Bank;

Provided, however, That, inasmuch as nine months may have elapsed from the date of the Board's Order of March 23, 1973, before Applicant's acquisition of Arlington Bank is consummated, the extension herein approved is conditioned upon, and the Board's Order of March 23, 1973, is hereby amended to include, a requirement that, prior to consummation of the transaction, Applicant present for the Board's review and final approval, the terms of the final acquisition agreement and all facts and circumstances relevant to Applicant's acquisition of Arlington Bank.

By order of the Board of Governors, effective October 23, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23243 Filed 10-31-73;8:45 am]

UNITED VIRGINIA BANKSHARES INC.
Order Approving Acquisition of Bank

United Virginia Bankshares Incorporated, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Spotsylvania, Spotsylvania, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 14 banking affiliates operating 120 banking offices, with aggregate deposits of $1.5 billion—an amount equivalent to 14.2 percent of total commercial bank deposits in Virginia. In terms of deposits, it is the Commonwealth's largest banking organization. Acquisition of Bank (deposits of $3.4 million as of December 31, 1972) would increase Applicant's share of deposits in the Commonwealth by approximately .03 percentage points. Consummation of the proposed transaction would not significantly increase Applicant's share of total commercial bank deposits in Virginia.

Bank, which has but one office, is one of seven banking organizations in the relevant geographical market, which includes the independent city of Fredericksburg, the counties of Spotsylvania and Stafford, and that part of Caroline County that lies to the West of Interstate 95. The four leading banks held 95.7 percent of total deposits on June 30, 1972, while Bank ranked a distant fifth with 3.1 percent of total area deposits. Applicant's lead bank, United Virginia Bank, is located in Richmond and serves the Richmond SMSA, which represents a separate banking market from that in which Bank operates. In addition, three other banking subsidiaries of Applicant are located in the Washington, D.C., SMSA, a separate banking market from that in which Bank does business. The closest office of any of Applicant's subsidiary banks to Bank is some 27 road miles distant in Doswell, Hanover County, Virginia. Consummation of the proposal would not eliminate any significant competition between Bank and any existing bank subsidiaries of Applicant, and it appears unlikely that any future competition would develop between Bank and any of Applicant's banking subsidiaries because of the distances involved and Virginia's restrictive branching laws. On the basis of the record, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources as well as the future prospects of Applicant, its present subsidiary banks, and Bank are generally satisfactory and consistent with approval. There is no evidence that the major banking needs of the area are going unserved. However, consummation of the proposed acquisition should enable Bank to initiate new services now offered by Applicant's other banking subsidiaries, which will include computer, credit card, personal property leasing, and international services. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23245 Filed 10-31-73;8:45 am]

AFFILIATED BANK CORPORATION
Acquisition of Bank

Affiliated Bank Corporation, Madison, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C.

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governors Mitchell and Daane.

1842(a)(3)) to acquire 51 percent or more of the voting shares of Nakoma Plaza Bank, Madison, Wisconsin, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than November 20, 1973.

Board of Governors of the Federal Reserve System, October 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23236 Filed 10-31-73;8:45 am]

BARNETT BANK OF FLORIDA, INC.

Acquisition of Bank

Barnett Bank of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of (1) The Bank of Naples, Naples, Florida, and (2) The Collier County Bank, East Naples, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than November 20, 1973.

Board of Governors of the Federal Reserve System, October 25, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23235 Filed 10-31-73;8:45 am]

FIRST ABILENE BANKSHARES, INC.

Acquisition of Bank

First Abilene Bankshares, Inc., Abilene, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Hereford State Bank, Hereford, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 19, 1973.

Board of Governors of the Federal Reserve System, October 23, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23234 Filed 10-31-73;8:45 am]

FIRST COOLIDGE CORP.

Proposed Acquisition of North Star Leasing

First Coolidge Corporation, Watertown, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of North Star Leasing Corporation, Waltham, Massachusetts. Notice of the application was published on September 29, 1973, in the Boston Globe, a newspaper circulated in Boston, Massachusetts.

Applicant states that the proposed subsidiary would engage in the activities of leasing personal property and equipment. Applicant states that such activities have been specified by the Board in § 225.4(a)(6) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). A proposal to amend § 225.4(a)(6) of Regulation Y with respect to the leasing activities permissible for bank holding companies (38 FR 21436) is currently under consideration by the Board and, if adopted by the Board, might affect the activities that could be conducted by the proposed subsidiary.

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 Boston.

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 November 19, 1973.

Board of Governors of the Federal Reserve System, October 23, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-23237 Filed 10-31-73;8:45 am]

FEDERAL TRADE COMMISSION

[File No. 732-3057: Funeral Industry]

FUNERAL PRICES AND PRICING POLICIES IN THE DISTRICT OF COLUMBIA

Submission and Disclosure Requirements

Notice is hereby given that the Federal Trade Commission has approved, adopted and entered of record the following resolution:

RESOLUTION REQUIRING SUBMISSION OF SPECIAL REPORTS RELATING TO FUNERAL PRICES AND PRICING POLICIES IN THE DISTRICT OF COLUMBIA AND DISCLOSURE THEREOF BY THE COMMISSION IN CONNECTION WITH A PUBLIC INVESTIGATION

I. NEED FOR PRICE INFORMATION

The funeral transaction differs considerably from most business arrangements. It involves a substantial consumer expenditure by large numbers of funeral buyers each year. Funeral arrangements must often be made under extreme time pressures, by persons with little or no knowledge of the area in which they are dealing, and whose bereaved condition may render them unable to exercise their normal care and business judgment. The disorientation and dependency occasioned by grief, the lack of standards for gauging the value of the seller's offerings, the need for an immediate decision, general ignorance of legal requirements and restrictions, the difficulty of retrieving the body once it has been committed to a mortician, and the known availability of governmental benefits and other monies to finance the transaction, may all combine to place the funeral buyer in a disadvantageous position vis-a-vis the seller.

Funeral buyers who must make their purchase decisions under such difficult conditions may often do so without basic information essential for a rational choice of funeral director and particular funeral services. Many consumers may speak to only one funeral director, and thus comparison of the offerings and prices of different funeral directors may be the exception, not the rule. Consumers may thus not know what options are available, or whether any of the components of the package of services and goods offered by the funeral director can be declined and at what price reduction. Consumers may have only a vague idea of what is covered by the price quoted by the funeral director. And there have been a number of allegations that some funeral directors do not have established prices, but set their prices for each customer according to the amount of insurance, union benefits, or other monies available.

If consumers do not have knowledge about prices and choices, and do not shop comparatively for funerals, and if price information is not readily available in advertising or otherwise, the prerequisites for price competition will be lacking.

In a setting in which price advertising may be inadequate and in which consumers may lack basic information about prices and alternatives, there is a potential for unfair and deceptive pricing and sales practices. Accordingly, the Commission has determined to obtain information about pricing practices and policies, and to insure that consumers receive price information, the Commission will make such information public under such terms and conditions as it may from time to time determine.

The Commission needs the information to better understand competitive conditions, to obtain hard data on funeral costs, and generally to assist it to detect and prevent any violations of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) which may have occurred or be occurring. By injecting such information into the public sector the Commission can supply a stimulus to price competition which can then operate to hold down costs and eliminate such inefficiencies as may exist.

In view of the importance of the possible competitive and information deficiencies in the funeral industry to consumers and to the Commission, the Commission's statutory responsibilities under section 5 of the Federal Trade Commission Act with respect to unfair and deceptive acts or practices and unfair methods of competition, compel it to take action to obtain information on funeral pricing policies and to make the information available to consumers. And to insure that such information will be complete, accurate, and promptly supplied, the Commission will obtain it with the aid of the compulsory processes available to it.

Accordingly, the Commission resolves that funeral directors and others engaged or involved in the sale of various goods and services in connection with funeral or other arrangements for disposal of the dead in the District of Columbia shall be required to submit information on prices and related matters, specified in Orders to File Special Reports which shall be issued to such respondents as may be selected by the Commission.

The Commission will compel the production of said information in the exercise of the powers vested in it by sections 5, 6, 9, and 10 of the Federal Trade Commission Act (15 U.S.C. 45, 46, 49, and 50) and with the aid of any and all powers conferred upon it by law, and any and all compulsory processes available to it.

II. PUBLIC RELEASE OF THE INFORMATION SUBMITTED

The material obtained by the Commission pursuant to this resolution will be made available to the public under such terms and conditions as the Commission may from time to time determine. In addition, the Commission may release summaries, reports, charts, indices, or other publications which will inform the public about the material delivered or not delivered to it hereunder.

The Commission's decision to make this information available to the public rests on a number of policy considerations, including the following:

(1) Funeral purchasers need information about prices, options and polices for particular funeral homes and comparative data for different funeral homes, in order to choose rationally a funeral home and the particular funeral arrangements that will best serve their needs.

(2) Consumers may not be able to obtain the information they need to make intelligent funeral purchases.

(3) Disclosure of information about funeral prices and policies by the Commission may enable consumers to protect their own interests better when they deal with a funeral director.

(4) The knowledge that price and other information covered by special reports will be made public may encourage voluntary disclosure of essential information, if such voluntary disclosures are not presently being made. It may also lead to a self-examination of the fairness of offered prices and conditions, not only by the respondents actually subjected to 6(b) orders, but by others in the industry as well.

(5) Public disclosure of pricing information may supply a stimulus to price advertising and price competition.

(6) The Commission's limited resources restrict its ability to uncover practices such as tie-in sales, concealing less expensive alternatives, or other potential violations of section 5 of the Federal Trade Commission Act. Public awareness of the data reported to the Commission can lead the public to alert the Commission to discrepancies between reported and actual behavior and to possible violations of section 5 of the Federal Trade Commission Act.

By direction of the Commission dated October 4, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-23293 Filed 10-31-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-82]

NASA SPACE PROGRAM ADVISORY COUNCIL

Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the headquarters of the National Aeronautics and Space Administration on November 13 and 14, 1973. The meeting will be held in room 5026 of Federal Office Building 6, located at 400 Maryland Avenue SW., Washington, D.C. 20546. The meeting is open to members of the public, from 2 p.m. to 5 p.m. on November 13, 1973, and from 8:30 a.m. to 3 p.m. on November 14, 1973, on a first-come, first-served basis to within the 60-seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The committee has 14 members including the Chairman, Dr. Michael B. McElroy. For further information regarding the meeting, please contact Dr. Donald Senich: Area Code 202-755-6280. The agenda for the meeting is as follows:

NOVEMBER 13, 1973

Time	*Topic*
9:30 a.m....	The preliminary Fiscal Year 1975 OSS budget has been submitted to the Office of Management and Budget for review. The Committee is requested to review the proposed new activities for FY 75 and recommended priorities for them. In addition, OSS has prepared a program of new starts for FY 76, 77, and 78 which keeps the OSS funding requirements at a reasonable level. The Committee is requested to review this program and the issues which it raises; and to recommend to the Associate Administrator options for the best Physical Sciences Program which can be undertaken at that level and funding levels above and below. The material to be discussed in this closed session includes the budgetary planning and levels proposed in the NASA submission for the Office of Space Science in the preparation of the President's Budget for FY 1975. Under instructions from the Office of Management and Budget, this material may not be disclosed publicly until the President's FY 1975 budget is submitted to Congress.
12:30 p.m....	Lunch.
2:00 p.m....	The Committee members have requested a review and discussion of the flight status of the MVM 73 mission.
2:30 p.m....	The new NASA experiment selection process was discussed at a previous PSC meeting. The Committee is requested to comment on the suggested selection process subsequent to their review and deliberation.
3:30 p.m....	The Physics and Astronomy Office has suggested various concepts for a viable program in magnetospherics, e.g., Electrodynamics Explorer. The Committee has requested a review and discussion of the strategy for future magnetospheric missions.
5:00 p.m....	Adjourn.

NOVEMBER 14, 1973

8:30 a.m....	Data from the ATM experiments on Skylab missions II and III are being processed. The Committee has requested a review and discussion of significant results from the experiments completed and a forecast of operations on Skylab IV.

Time	Topic
9:00 a.m.	The Committee reviewed material concerning the level of SR&T efforts at selected NASA Centers and Universities at the last PSC meeting. The Committee is requested to advise NASA on the proper levels of support for these groups and mechanisms to assure that the support will be equitably distributed.
11:00 a.m.	The Committee's recommendations for future programs to explore the planet Mars have been requested. The members have requested information regarding results obtained at the Viking '79 Science Seminar.
12:00 p.m.	Lunch.
1:30 p.m.	The members of the Committee will use this period to prepare individual working papers and the draft committee report to the Associate Administrator.
3:00 p.m.	Adjourn.

DAVID WILLIAMSON, JR.,
Acting Associate Administrator, National Aeronautics and Space Administration.

OCTOBER 25, 1973.

[FR Doc.73-23239 Filed 10-31-73;8:45 am]

POSTAL RATE COMMISSION

[Docket R74-1]

POSTAL RATES AND FEES, 1973

Order Allowing Participation and Establishing Date of Prehearing Conference

OCTOBER 30, 1973.

On September 27, 1973, the Commission issued a Notice[1] stating that the United States Postal Service had filed a Request for a recommended decision on changes in the rates and fees for postal services. The Notice directed persons desiring to participate in the proceeding to file, on or before October 17, 1973, petitions for leave to intervene (39 CFR 3001.20) or requests to be heard as a limited participator (39 CFR 3001.19a).

In response to the Notice the Commission has received 31 timely petitions to intervene (listed in Appendix A hereto) and 14 timely requests to be heard as limited participators (listed in Appendix B hereto).[2] No answers to these pleadings have been filed.

The persons identified in Appendices A and B are either users of the mail or persons who have otherwise demonstrated an interest in the proceeding, and accordingly the requests for participation will be granted.

The Commission designates Chief Administrative Law Judge Seymour Wenner as the presiding officer in this proceeding.

At this early stage of the proceeding we urge the parties to give careful consideration to the critical issues of costing methodology which have been of great concern to the Commission[3] and to the United States Court of Appeals for the District of Columbia Circuit. The Court's concern was set forth in Association of American Publishers, Inc. v. Governors of the United States Postal Service C.A.D.C. No. 72-1641, ____ F. 2d ____ (1973), in which the Court affirmed the decision in the first postal rate case (Docket No. R71-1). In a concurring opinion to the Court's decision, joined in by all the deciding judges, Chief Judge Bazelon ruled that

> * * * [t]he Act directs that the Postal Rate Commission determine rates in accordance with certain guidelines. The most concrete of these, section 3622(b)(3), establishes the requirement that each class of mail or type of mail service bear (1) the direct and indirect postal costs attributable to that class or type plus (2) that portion of all other costs of the Postal Service reasonably assignable to such class or type.
>
> The Postal Service's response to this requirement was questionable at best. * * *
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> * * * * *
>
> * * * [Congress'] stated intent to purge the postal system of "politics" provides a strong indication that the Chief Examiner was correct when he suggested that discretionary or "reasonable" assignment of costs should apply only where Postal Service simply could not "attribute" costs. * * *
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> * * * * *
>
> That question need not be resolved in this case * * *. But, when the Postal Rate Commission establishes guidelines for future rate proposals, it may wish to take a hard look at both the manner in which Postal Service assigns unattributable costs and the amount of costs that it designates "unattributable." [Footnotes omitted, emphasis in original.] (Slip Opinion at 16, 21, 22; ____ F. 2d ____, ____ ____.)

In the present case the Postal Service's proposed evidentiary presentation "rests essentially on the same costing concepts" as the Service utilized in Docket No. R71-1.[4] At this time it would be premature to evaluate the material submitted by the Postal Service in support of its costing methodology. But it is not inappropriate to indicate that our evaluation of the Postal Service's methodology would be aided by the submission of evidence on this issue from other parties. We specifically urge that parties disagreeing with the Postal Service's methodology give serious attention to the preparation of exhibits developing and applying alternative methodologies of costing.[5] Exhibits which apply an alternative methodology are likely to be of greater value than exhibits which are limited to a theoretical criticism of USPS methodology and the theoretical advocacy of other methods.[6] We would expect the Postal Service to cooperate in complying promptly with reasonable requests for data necessary for the development of exhibits on alternative methodologies.

On a related matter, the Postal Service has urged this proceeding should go forward "as expeditiously as possible."[7] We certainly agree that there should not be any undue delay in the proceeding, and to this end we urge all parties to begin work immediately on discovery requests and evidentiary presentations. However, at the same time we caution that the proceeding cannot be expedited at the expense of our duty to develop a complete evidentiary record and in particular our duty to comply with the directives of the United States Court of Appeals in Association of American Publishers, supra. The Postal Service can help us to carry out these duties (and thereby to expedite the proceeding) by responding promptly to discovery requests designed to explore the issues raised by the Court.

The Commission orders:

(A) Each of the petitioners identified in Appendix A to this order is hereby permitted to intervene in this proceeding, subject to the provisions of paragraph (C), below.

(B) Each of the petitioners identified in Appendix B to this order is hereby permitted to become a limited participator in this proceeding, subject to the provisions of paragraph (C), below.

(C) The participation of the intervenors and limited participators, permitted by paragraphs (A) and (B), above, is subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators, and *Provided, further,* That the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Chief Administrative Law Judge Seymour Wenner is designated as the presiding officer to preside at the prehearing conferences and hearings in the

[1] The Notice was subsequently published in the FEDERAL REGISTER (38 FR 27482, October 3, 1973).

[2] The American Council of Learned Societies filed a request for an extension of 30-days to file a petition to intervene. The request does not set forth any supporting rationale and accordingly it cannot be granted. However, if the Council decides to file a petition to intervene it may, pursuant to Rule 20(c), request the Commission to accept the late filing "in extraordinary circumstances for good cause shown."

[3] *See e.g.*, Recommended Decision in the rate case, Docket R71-1 at 52-53, 61-62; the amendment of our rules on evidence, RM73-1, 38 F.R. 7528; and the statement of Chairman Ryan in the Mail Classification case, Docket MC73-1, Tr. 1260-1262.

[4] Testimony of Arthur Eden, p. 10.

[5] Our focus on other parties at this time should not be construed as indicating that we have ruled out the possibility of requiring the Postal Service to submit additional evidence.

[6] In Docket R71-1, there was substantial testimony on theories of costing. Rather than repeating such testimony, and if relevant and material to their position, the parties to the present case may consider requesting that this testimony and related cross-examination be incorporated by reference in the record of the present proceeding. Such incorporation would be without prejudice to the right of a party to present supplemental testimony or cross-examination on new matters.

[7] Testimony of Richard Gould, pp. 3, 4.

above-captioned proceeding. A prehearing conference will be held on November 12, 1973.

(E) The U.S. Postal Service shall serve copies of its request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

By the Commission.

[SEAL] JOSEPH A. FISHER, *Secretary.*

APPENDIX A

PERSONS WHO FILED TIMELY PETITIONS TO INTERVENE

Ad-A-Day Company, Incorporated
The American Bankers Association
American Business Press, Inc.
American Newspaper Publishers Association
The American Retail Federation
Associated Third Class Mail Users
The Association of American Publishers Inc. and Book Manufacturers' Institute, Inc.
Carcross Company, Inc.
Columbia Gas System
Consumers Education and Protective Association, International, Inc.
Council of Public Utility Mailers
Direct Mail/Marketing Association
Dow Jones & Company, Inc.
Florida State of, Department of Citrus
Inland Daily Press Association
International Labor Press Association, AFL-CIO
Magazine Publishers Association, Inc.
Mail Order Association of America
McCall Publishing Company
Metro-Mail Advertising Company
National Association of Advertising Publishers and Publishers Distribution Institute
National Easter Seal Society
National Newspaper Association
National Retail Merchants Association
Senator Gaylord Nelson
Parcel Post Association
J.C. Penney Company, Inc.
Post Card Manufacturers Association
Reader's Digest Association, Inc.
Time Incorporated
United Parcel Service

APPENDIX B

PERSONS WHO FILED TIMELY REQUESTS TO BECOME LIMITED PARTICIPATORS

Agricultural Publishers Association, Inc.
American Legion
American Library Association
Classroom Periodical Publishers Association
Fairchild Publications, Inc.
Field Enterprises Educational Corporation
Macmillan, Inc.
Mail Advertising Service Association (International), Inc.
Mass Retailing Institute, Inc.
Meredith Corporation
National Industrial Traffic League
National Rural Electric Cooperative Association
Recording Industry Association of America, Inc.
Second Class Mail Publications, Inc.

[FR Doc.73-23353 Filed 10-31-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AUTOBALE AMERICA CORP.

Suspension of Trading

OCTOBER 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Autobale America Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2 p.m. (e.d.t.) October 24, 1973 through November 2, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Senior Recording Secretary.*

[FR Doc.73-23317 Filed 10-31-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

OCTOBER 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 27, 1973 through November 5, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Senior Recording Secretary.*

[FR Doc.73-23324 Filed 10-31-73;8:45 am]

[70-5400]

DELMARVA POWER AND LIGHT CO.

Proposed Sale and Repurchase of Pollution Control Facilities

OCTOBER 26, 1973.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company and a public-utility company, has filed an application-declaration and amendment thereto with this Commission designating sections 6, 7, 9(a)(1) and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

In August 1973, Delmarva placed into commercial operation a 400,000 kilowatt low-sulfur oil-fired electric generating unit at its Edge Moor station located in Wilmington, Delaware ("Edge Moor Unit"). Applicable environmental control standards of the State of Delaware necessitated equipping the Edge Moor Unit with air and water pollution control facilities and devices ("Facilities"). Delmarva proposes to cover its cost of constructing and installing these Facilities by entering into an agreement of sale ("Agreement") with the Department of Community Affairs and Economic Development ("Department") of the State of Delaware, a state agency.

Pursuant to the Agreement it is proposed, among other things, that the Department will issue its pollution control revenue bonds ("Bonds"), in an aggregate principal amount not to exceed $8,000,000, and advance the proceeds from their sale to Delmarva pursuant to the terms of the Agreement to provide funds to cover Delmarva's cost of constructing the Facilities. In turn, Delmarva will convey title to the Facilities to the Department which will thereupon sell the Facilities back to Delmarva under terms of an installment sale contract, title to the Facilities passing immediately back to Delmarva. Delmarva will secure its installment payments under the installment sale contract by executing and delivering to a trustee ("Trustee"—to be named) a note ("Note") which will be secured, pursuant to a security agreement, by a lien on the Facilities, subject only to Delmarva's existing bond and interest indenture provisions.

The Bonds will be issued under and secured by an Indenture of Trust ("Indenture") between the Department and the Trustee. It is stated that the Bonds will not constitute general obligations of the State, but will be revenue bonds, the principal and interest on which will be payable solely out of funds paid by Delmarva pursuant to the Agreement. The Bonds will mature in 25 years from the date of issuance and it is contemplated interest payments thereon will be paid semi-annually. The Indenture will contain certain redemption provisions which will include the right of Delmarva to cause the redemption of the Bonds, in whole or in part, at any time after they have been outstanding for 10 years at an initial premium of 3 percent declining by ½ percent every year. The Agreement will additionally provide that Delmarva may prepay the purchase price without premium, plus accrued interest if unreasonable burdens or excessive liabilities shall have been imposed upon the Department or Delmarva with respect to the project or the operation thereof such as but not limited to the imposition of Federal, State or other property income or other taxes not imposed on the date of the Agreement.

Delmarva states that the Bonds are expected to be marketed pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co., Incorporated. While Delmarva will not be a party to the underwriting agreement for the Bonds, the Agreement provides that the terms of the offering shall be satisfactory to Delmarva. Application has been made on behalf of Delmarva and the Department to the Internal Revenue Service for its ruling that interest on the Bonds will be exempt from Federal income taxation. While it is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Bonds, Delmarva has been advised that tax-exempt bonds of like quality and tenor have historically carried an annual interest rate approximately one and one-half to two percent lower than comparable taxable obligations.

The Note which Delmarva will issue will be in an aggregate principal amount equal to the amount of the Bonds. Interest on the Note will be at the rates, and will be payable at times, corresponding to the rates of interest and times of payment thereof on the Bonds. As payments are made by Delmarva under the Note, such payments will constitute satisfaction of Delmarva's obligation to pay the purchase price in accordance with the Agreement and the balance due on the Note will be reduced in amounts corresponding to the payments made by Delmarva to the Trustee under such Note. The Indenture will provide that upon any declaration of acceleration the issuing Department and the Trustee shall immediately declare an amount equal to all amounts then due and payable on the Bonds to be immediately due and payable on the Delmarva Note held by the Trustee.

For accounting and financial reporting purposes the indebtedness of Delmarva under the Note will be capitalized.

Delmarva states that the Public Service Commission of the State of Delaware has jurisdiction over the proposed transactions. No other State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses incident to the proposed transactions are estimated at $85,360, including counsel fees of $35,000 and accounting fees of $10,000.

Delmarva requests that the issue of the Note be exempted from the competitive bidding requirements of Rule 50 by reason of clause (a)(5) thereof on the ground that the proposed transactions do not lend themselves as a practical matter to competitive bidding.

Notice is further given that any interested person may, not later than November 20, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-23319 Filed 10-31-73;8:45 am]

[File No. 500-1]

KORACORP INDUSTRIES, INC.

Suspension of Trading

OCTOBER 26, 1973.

The common stock of Koracorp Industries, Incorporated being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from October 27, 1973 through November 5, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-23323 Filed 10-31-73;8:45 am]

[70-5411]

POTOMAC EDISON CO.

Proposed Issue and Sale of Mortgage Bonds at Competitive Bidding

OCTOBER 26, 1973.

Notice is hereby given that The Potomac Edison Company ("Potomac"), Downsville Pike, Hagerstown, Maryland 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Potomac proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $15,000,000 principal amount of its First Mortgage and Collateral Trust Bonds—percent Series due 2003. The interest rate of the bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Potomac (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of October 1, 1944, between Potomac and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of December 1, 1973, which precludes Potomac from redeeming any such bonds prior to December 1, 1978, if such redemption is for the purpose of refunding such bonds through the use, directly or indirectly, of borrowed funds at an effective interest cost below that of the bonds.

The net proceeds from the sale of the bonds, together with other funds, will be used to prepay Potomac's short-term bank notes to the extent desirable, to pay at maturity any commercial paper outstanding at the time of the sale of the bonds, for its construction program and working capital or to reimburse Potomac's treasury for monies actually expended for such purposes, and for other lawful corporate purposes.

It is stated that the issue and sale of the bonds by Potomac require prior authorization of the Maryland Public Service Commission and the Pennsylvania Public Service Commission. The declaration states that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that the fees and expenses to be incurred by Potomac in connection with the proposed issue and sale of its bonds are estimated at an aggregate of $97,000, including $24,500 in accountant's fees, and $12,500 in legal fees. The fee of counsel for the purchasers of the bonds, to be paid by the successful bidders, is to be filed by amendment.

Notice is further given that any interested person may, not later than November 23, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such

request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-23320 Filed 10-31-73;8:45 am]

[File No. 500-1]

SEABOARD CORP.

Suspension of Trading

OCTOBER 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 28, 1973 through November 6, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-23325 Filed 10-31-73;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Suspension of Trading

OCTOBER 26, 1973.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 27, 1973 through November 5, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-23322 Filed 10-31-73;8:45 am]

[File No. 500-1]

TELEPROMPTER CORP.

Suspension of Trading

OCTOBER 26, 1973.

The common stock of TelePrompTer Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of TelePrompTer Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 27, 1973 through November 5, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-23321 Filed 10-31-73;8:45 am]

[File No. 500-1]

UNITED STATES NATIONAL BANK OF SAN DIEGO

Suspension of Trading

OCTOBER 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United States National Bank of San Diego being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:45 p.m. (e.d.t.) on October 24, 1973 and continuing through November 2, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-23316 File 10-31-73;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

OCTOBER 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:45 p.m. (e.d.t.) on October 24, 1973 and continuing through November 2, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-23315 Filed 10-31-73;8:45 am]

[70-5406]

WISCONSIN GAS CO.

Proposed Issue and Sale of Notes

OCTOBER 26, 1973.

Notice is hereby given that Wisconsin Gas Company ("Wisconsin Gas"), 626 East Wisconsin Avenue, Milwaukee, Wisconsin 53201, a gas subsidiary company of American Natural Gas Company, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rules 42(b)(2), 50(a)(5) and 70(b)(2), promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin Gas proposes to borrow from commercial banks on its promissory notes ("Notes") under lines of credit aggregating $28 million; to borrow from the Trust Department of M&I Marshall and Ilsley Bank ("Trust Department") up to $5 million; or, to issue and sell up to $9 million of its commercial paper through a dealer. The total of all such borrowings will not exceed $28 million at any one time.

Accordingly, Wisconsin Gas has arranged lines of credit with five commercial banks providing for the borrowing of up to $28 million on its Notes maturing November 28, 1974. The banks and their respective commitments are as follows:

Name of Bank	*Amount of commitment*
First Wisconsin National Bank of Milwaukee, Wis.	$12,000,000
M&I Marshall & Ilsley Bank, Milwaukee, Wis.	6,000,000
First National City Bank, New York	4,000,000
Manufacturers Hanover Trust Co., New York	3,000,000
Marine National Exchange Bank, Milwaukee, Wis.	3,000,000
Total	28,000,000

Each Note will be dated as of the date of issuance, will mature November 28, 1974, and will bear interest at the prime rate in effect at the lending bank on the date of each borrowing, which interest rate will be adjusted to the prime rate effective with any change in said rate. Interest shall be payable at the end of each 90-day period subsequent to the date of borrowing and at maturity. There is no commitment fee, closing or other related charges payable to the banks, and the Notes may be prepaid at any time without penalty. In connection with the lines of credit, Wisconsin Gas is required to maintain compensating balances with the banks, the effect of which is to increase the effective interest cost by approximately one and one-half percent (1½%) above the prevailing prime rate of ten percent (10%).

Wisconsin Gas also proposes that it may, in lieu of the issuance and sale of promissory notes to the above listed banks, issue and sell its promissory notes, to the extent funds are available, up to a maximum of $5 million outstanding at any one time to the Trust Department of the M&I Marshall & Isley Bank, Milwaukee, Wisconsin. It is stated that the Trust Department has a continuous flow of funds from its internal operations and follows a practice of pooling these funds for loans to various corporations.

The interest rate on the proposed notes with the Trust Department will be equivalent to the highest rate paid daily by General Telephone & Electronics Corporation on its commercial paper with a maturity of 180 days. Wisconsin Gas will be notified by the Trust Department of any change in the interest rate. The notes issued from January 1 to June 30 will mature July 1 of the same year and those issued July 1 to December 31 will mature January 1 of the following year. The Trust Department will have the right, however, to demand payment at any time of all or any part of the principal of the note or notes outstanding; Wisconsin Gas will have the right to prepay the notes at any time without penalty.

Wisconsin Gas anticipates, under the proposed arrangement with the Trust Department, that it will be able to borrow money at a lower cost than borrowing from banks under lines of credit. It states, as an example, that on October 1, 1973 the Trust Department's interest rate was 8.60 percent compared with First National City Bank's prime rate of 10 percent.

Wisconsin Gas further proposes, in lieu of the issuance and sale of its Notes to the above-listed banks, to issue and sell from time to time, commercial paper up to a maximum of $9 million outstanding at any one time to Goldman, Sachs & Co., New York, New York, a dealer in commercial paper. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $2 million directly to Goldman, Sachs & Co. at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Wisconsin Gas proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks (after taking into consideration compensating balances) on the date of sale, except for commercial paper of maturity not exceeding 90 days issued to refund outstanding commercial paper, if in the judgment of Wisconsin Gas, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

Goldman, Sachs & Co., as principal, will reoffer such commercial paper at a discount not to exceed ⅛ of 1 percent per annum less than the prevailing discount rate to Wisconsin Gas. Such commercial paper will be reoffered to not more than 200 identified and designated customers in a list (non-public) prepared in advance by Goldman, Sachs & Co., and no additions will be made to the customer lists without approval of the Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by Goldman, Sachs & Co., such paper will be reoffered to others in the group of 200 customers. No commission or fee will be payable by Wisconsin Gas in connection with the issue and sale of such commercial paper notes.

Wisconsin Gas intends to use the amounts borrowed to repay notes outstanding on November 29, 1973 (estimated to aggregate $20 million) and to partially finance its 1973 construction program (estimated at $13,106,000). It is anticipated that funds required to retire the notes and commercial paper will be obtained from long-term financing and funds generated internally.

Wisconsin Gas also requests authority to file certificates of notification required by Rule 24 on a quarterly basis with respect to the proposed transactions with the Trust Department and Goldman, Sachs & Company.

Fees and expenses incident to the proposed transactions are estimated at $4,100, including counsel fees of $1,600. It is stated that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than November 21, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] SHIRLEY E. HOLLIS,
Senior Recording Secretary.

[FR Doc.73-23318 Filed 10-31-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

OCTOBER 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 24, 1973 through November 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-23246 Filed 10-31-73;8:45 am]

[File No. 500-1]

SANITAS SERVICE CORP.

Notice of Suspension of Trading

OCTOBER 23, 1973.

The common stock of Sanitas Service Corporation being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Sanitas Service Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 24, 1973, through November 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[F.R. Doc. 73-23247 Filed 10-31-73; 8:45 am]

INTERSTATE COMMERCE COMMISSIOIN

[Notice 373]

ASSIGNMENT OF HEARINGS

OCTOBER 29, 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 November 1973.

MC 30513 Sub 14, North State Motor Lines, Inc., now assigned December 10, 1973, at Washington, D.C., postponed to January 21, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-730 Sub 349, Pacific Intermountain Express Co., published in the FEDERAL REGISTER of August 2 and October 25, 1973, remains as assigned December 5, 1973 (3 days), at San Francisco, Calif., in a room to be later designated.

MC 138705 Sub 1, Daniel L. Haskell, DBA Casco Bay Transportation Co., now assigned January 17, 1974, at Boston, Mass., is cancelled and application dismissed.

MC 74321 Sub 77, B. F. Walker, Inc., now being assigned hearing January 17, 1974 (2 days), at Albuquerque, New Mexico, in a hearing room to be later designated.

MC 114284 Sub 57, Fox-Smythe Transportation Co., now being assigned hearing January 21, 1974 (2 days), at Albuquerque, New Mexico, in a hearing room to be later designated.

MC 135248 Sub 7, William H. Dees, d.b.a. Dees Transportation, now being assigned hearing January 28, 1974 (1 week), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 82841 Sub 120, Hunt Transportation, Inc., now being assigned hearing February 6, 1974 (3 days), at Portland, Oregon, in a hearing room to be later designated.

MC 33919 Sub 7, Fairchild General Freight, Inc., now being assigned hearing February 7, 1974 (2 days), at Portland, Oregon, in a hearing room to be later designated.

MC 74321 Sub 47, B. F. Walker, Inc., application dismissed.

MC-F-11851, Smith Transfer Corporation—Control—Brady Motorfrate, Inc., MC-F-11853, Lee Way Motor Freight, Inc.—Purchase (Portion)—Brady Motorfrate, Inc., MC-52110 Sub 137, Burgmeryer Bros., Inc., MC-F-11876, Burgmeryer Bros., Inc.—Purchase (Portion)—Brady Motorfrate, Inc., now assigned November 26, 1973, will be held in Room 609, Federal Office Bldg., 911 Walnut St., Kansas City, Mo.

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

[FR Doc.73-23330 Filed 10-31-73;8:45 am]

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PART II

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

Office of the Secretary

■

Atomic Energy Commission

■

ENVIRONMENTAL IMPACT STATEMENTS AND PUBLIC HEARINGS

Policies and Procedures

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Parts 771, 790, 795]

[Docket No. 73-2; Notice No. 1]

ENVIRONMENTAL AND PUBLIC HEARING PROCEDURES

Notice of Proposed Rulemaking

Notice is hereby given that regulations, amendments to regulations, and procedures concerning environmental impact statements; consideration of social, economic, and environmental effects; public hearings; and location and design approval are proposed by the Administrator, Federal Highway Administration (FHWA). Advance notification of such proposal was given October 1, 1973 (38 FR 27233).

Policy and Procedure Memorandum (PPM) 90-1 (37 FR 21808) is being revised in response to the Council on Environmental Quality (CEQ) Guidelines, 40 CFR Part 1500, and is being codified as 23 CFR Part 771. As proposed, 23 CFR Part 771 would also absorb some of the requirements of 23 U.S.C. 128 and 109 (h) dealing with the consideration of social, economic, and environmental effects presently contained in 23 CFR Part 790 (PPM 20-8). The FHWA has recognized for some time that the location and design reports required by 23 CFR Part 790, which document the consideration of social, economic, and environmental effects and engineering factors, to a large extent duplicate the information contained in environmental impact statements and negative declarations. The proposed changes would eliminate such duplication. Once these changes have been accomplished, final clearance of an environmental impact statement or FHWA adoption of a negative declaration would be considered as Federal acceptance of the general location of a highway segment.

At the same time as PPM 90-1 is revised to 23 CFR Part 771, a new paragraph would be added to 23 CFR Part 795 (PPM 90-4) requiring each highway agency to include public hearing procedures in its Action Plan. At present, 23 CFR Part 795 requires the highway agencies to describe in their Action Plans a full program of procedures to assure public involvement in all stages of highway development. It is logical, therefore, that public hearing procedures be included in the Action Plans together with the other forms of public involvement activities, such as informal neighborhood meetings, citizen advisory committees, and other similar activities.

The proposed paragraph to be added to 23 CFR Part 795 would provide highway agencies with sufficient flexibility so that they can use hearings more effectively as elements of a broader and more comprehensive program for involving the public in the planning and design of highway projects. In many cases, the use of small, informal meetings and similar approaches to public involvement has proved to be more effective than public hearings; such methods often achieve more effective two-way communication and better resolve issues and differences of opinion. Under the proposed revision to 23 CFR Part 795, public hearings would be viewed as only one part of a public involvement program. Each highway agency's hearing procedures would be reviewed by the FHWA and evaluated based upon the adequacy of the total program.

To assure that each highway agency's public hearing procedures are adequate, the FHWA plans to issue nonregulatory evaluation criteria to provide guidance on what hearing procedures would be acceptable. While allowing the highway agencies considerable flexibility in developing procedures suitable for each State, the proposed evaluation criteria contain several provisions that all Action Plans are to contain. For example, the proposed evaluation criteria specify that an opportunity for hearings is to be afforded for projects that have not met the hearing requirements of 23 CFR Part 790. As allowed by 23 CFR Part 790, certain minor projects could be exempted from hearings, but an opportunity for hearings is to be afforded whenever a project has significant impacts. The proposed evaluation criteria also specify that hearings are to provide a forum for the discussion of the need for a project, alternate locations, major design features, and related social, economic, and environmental effects and that hearings are to be held before the highway agency becomes committed to any alternate presented at the hearing. The proposed evaluation criteria provide further guidance on notification procedures, hearing conduct, circumstances under which additional hearings will be held, and on the disposition of the reports, certifications, and transcripts required by 23 U.S.C. 128.

The proposed evaluation criteria would allow a highway agency to hold one hearing for projects where one hearing could adequately cover both location and design and where the highway agency's other public involvement procedures are adequate. Present FHWA requirements for both location and design hearings have not been satisfactory in many instances because the second hearing is frequently redundant. In order to thoroughly consider the social, economic, and environmental effects of alternative locations and prepare a meaningful environmental impact statement, it is often necessary to perform detailed design studies for each alternative before a location is chosen. Consequently, many location hearings cover design issues to such an extent that subsequent design hearings are repetitious.

Once the highway agencies have revised their Action Plans to comply with the proposed revision to 23 CFR Part 795, the requirements of 23 CFR Part 790 would be adequately handled in 23 CFR Parts 771, 795, and in the Action Plans. Therefore, to consolidate overlapping procedures and minimize redtape, the Federal Highway Administration proposes to amend 23 CFR Part 790 (PPM 20-8) to make it inapplicable when the revised Action Plans are being followed. It is anticipated that this will lead to the eventual revocation of 23 CFR Part 790.

The Federal Highway Administration has not included a definition for "major Federal action" in Part 771 pending affording the public an opportunity for comment on the following definition.

A Major Action (Major FHWA Action).—(a) an action, financed with funds administered by FHWA, for which FHWA has the primary Federal responsibility, and which increases the available through lanes in the traffic corridor by more than two or provides modern highway service to a region previously served by no highway or a primitive highway.

(b) an FHWA administrative approval of an undertaking, not financed with funds administered by FHWA, which aids or encourages major changes in zoning or development when the undertaking or resultant major changes would be substantially influenced if FHWA approval is not granted.

(c) an action which has been given national recognition by Congress that warrants a "Major Action" classification even though it is not included in the above definition. Such an action would be one that requires processing under the provisions of 16 U.S.C. 470(f), 49 U.S.C. 1653(f) or 16 U.S.C. 1301.

We specifically invite all parties to comment upon the FHWA adopting this definition or suggesting an alternate definition.

Interested persons are invited to submit written data, views, or arguments pertaining to this proposal. All comments submitted should refer to the docket number and notice number appearing at the top of this document and should be submitted in three copies to the Office of Environmental Policy (HEV-1), Federal Highway Administration, Washington, D.C. 20590. All comments received before the close of business on December 17, 1973, will be considered before further action is taken on this proposal. Comments will be available for examination in the office of the Chief of the Environmental Development Division, Room 3246, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation of 49 CFR 1.48.

Issued on October 29, 1973.

R. R. BARTELSMEYER,
Deputy Federal Highway Administrator.

1. Chapter I of Title 23 CFR would be amended by adding a new part, Part 771—Environmental Impact and Related Statement, as follows:

PART 771—ENVIRONMENTAL IMPACT AND RELATED STATEMENTS

AUTHORITY: 42 U.S.C. 4332(2)(C), 49 U.S.C. 1653(f), 16 U.S.C. 470(f), 42 U.S.C. 1857h-7, 16 U.S.C. 662(a), 23 U.S.C. 128, and 16 U.S.C. 1301.

§ 771.1 Purpose.

To promulgate guidelines and regulations for the preparation and processing of environmental impact and related statements on major Federal Highway Administration (FHWA) actions.

§ 771.2 Definitions for use in this directive.

(a) *Federal Highway Administration action (FHWA action)* is the accumulated sequence of events, for which FHWA has responsibility, that leads to the final completion of a highway section or it may be an FHWA administrative approval of a State highway department or other agency undertaking not financed with funds administered by FHWA.

(b) A Major Action (Major FHWA Action) is: A possible definition for "A Major Action" is included in the preamble for comment.

(c) Actions significantly affecting the environment are those on which the impact would substantially degrade the quality or curtail the range of beneficial uses of the ecological, social or scenic resources; which are inconsistent with the plans and goals adopted by the community or increase congestion, increase noise levels, etc.; or which are highly controversial (substantive environmental disputes).

(d) Human environment is the aggregate of all external conditions and influences (esthetic, ecological, cultural, social, economic, historical, etc.) that affect human life.

(e) Highway Agency (HA) is the agency with the primary responsibility for initiating and carrying forward the planning, design and construction of the FHWA action. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State, county or city highway agency. For highway sections financed with other funds, such as forest highways, park roads, etc., the HA will be the appropriate Federal or State highway agency with the primary responsibility for initiating and carrying forward the planning and design.

(f) Highway section is a highway development proposal of independent significance between logical termini (population centers, major traffic generators, etc.) as normally included in a single location study or multiyear highway improvement program. A highway section may include completed as well as the uncompleted portions of the highway.

(g) Section 4(f) statement is a document to support the determination required by section 4(f) of the Department of Transportation Act, as amended, 49 U.S.C. 1653(f) and 23 U.S.C. 138.

(h) Environmental assessment is the process (coordination, investigation and reconnaissance) of identifying potential social, economic and environmental effects of a major FHWA action and evaluating their significance.

(i) Environmental impact statement (EIS) is a document containing an assessment of the anticipated significant beneficial and detrimental effects which the proposed major FHWA action may have upon the quality of the human environment.

(j) Negative declaration is a document determining that, should the proposed major FHWA action be undertaken, the anticipated effects upon the human environment will not be significant.

§ 771.3 Application.

(a) The provisions of this directive shall apply to each Federal Highway Administration action, including those being implemented under "Certification Acceptance" approved pursuant to 23 U.S.C. 117, except as set forth in (b), of this section.

(b) The provisions of this directive do not apply to highway sections on which all grading and drainage has been authorized prior to the effective date of this directive.

(c) Certain types of construction projects and administrative FHWA approvals are not major FHWA actions and, therefore, do not require a negative declaration or environmental statement. The FHWA Division Engineer may require a written environmental evaluation for such actions for the purpose of determining whether it would be in the public interest to prepare an environmental impact statement even though the project is not a major action.

The following are examples of FHWA actions which are not "major":

(1) Highway landscaping, erosion control, and rest area projects.

(2) Lighting, signing, pavement marking, signalization, freeway surveillance, and control systems and railroad protective devices.

(3) Preservation of scenic areas.

(4) Modernization of an existing highway by resurfacing, widening less than lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed change, etc.).

(5) Construction of fringe parking areas, bus shelters and bays.

(6) Correcting substandard curves.

(7) Reconstruction of existing highway/highway or highway/railroad separations.

(8) Reconstruction of existing stream crossings where stream channels and water quality will not be significantly affected.

(9) Reconstruction of existing intersections including channelization of traffic.

(10) Installation of noise barriers.

(11) Alterations to existing buildings to provide for noise attenuation.

(12) Approval actions exclusively for pedestrian, equestrian or bicycle trails.

(13) Safety projects such as grooving, glare screen, safety barriers, energy attenuators, etc.

(14) Billboard controls (the removal of billboards) and junkyard control (moving or screening).

(15) Research projects.

(16) Restoration of highway facilities, damaged by a disaster or catastrophic failure, to restore the highway for the health, welfare and safety of the public.

(17) Approval of changes in access control to permit: a utility to use highway right-of-way (transverse or longitudinal installations); crossings without access; and use of airspace.

(18) Certification of the urban transportation planning process and approval of highway planning and research reports.

(19) Approval of Federal-aid highway system requests.

(20) Urban area boundary approvals.

(21) Approval of annual highway planning and research work programs and unified work programs pursuant to 23 U.S.C. 134.

(22) Initiation of route feasibility studies.

(23) Right-of-way disposal and relinquishment approvals.

(24) Administrative approvals of other Federal agency highway projects.

(25) Airport/highway conflicts and clearances.

(26) Approval of standard plans and specifications.

§ 771.4 Emergency action procedures.

The Council on Environmental Quality (CEQ) Guidelines, 40 CFR 1500.11(e), allow modification of requirements in a national emergency, a disaster, a catastrophic failure or similar great urgency. The processing times may be reduced, or if the emergency situation warrants, preparation and processing of a statement may be abbreviated. Such procedural changes, however, should be requested only for those projects where the need for immediate action requires processing in other than a normal manner. The disruption of the area economy, social consequences or the health and safety of the public may suggest immediate replacement of a damaged highway facility. In judging the appropriateness of a negative declaration, the Division Engineer should be guided by the nature of the replacement; the extent of the disturbance to the landscape, streams, etc.; comments received from local agencies contacted; the relationship between the critical nature of the emergency and any significant anticipated environmental impacts. The HA and FHWA Division Engineer may determine that several replacement facilities (projects)

in the damage area qualify for a negative declaration. In such instances, all proposed replacement facilities (projects) may be listed in a single negative declaration. The negative declaration should be referenced or a copy included in each project file.

§ 771.5 Lead agency.

When more than one Federal agency directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved. Agencies in such cases should consider the designation of a single "lead agency" to assume supervisory responsibility for preparation of a joint statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. The statement should contain an evaluation of the full range Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Some relevant factors in determining an appropriate lead agency are: Land ownership, the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their expertise with respect to the project's environmental effects.

§ 771.6 Highway section processing.

(a) The negative declaration or environmental impact statement for major FHWA actions and section 4(f) statements and required processing under 16 U.S.C. 470(f) shall be completed during the location (corridor) studies.

(b) The HA shall not proceed with activities associated with the exclusive design of the selected location alternate, right-of-way acquisition other than bona fide hardship cases and protective buying, detail right-of-way plan preparation, preparation of construction plans, specifications and estimates (P.S. & E.), or construction of the highway section until the certifications required by 23 U.S.C. 128 are received by the FHWA Division Engineer, together with a copy of the transcript of public hearings, if held, and until:

(1) The negative declaration has been adopted by the FHWA Division Engineer.

(2) At least 90 days have elapsed since the draft EIS was circulated for comment and furnished CEQ, and at least 30 days have elapsed since the final EIS was made available to CEQ (calculated from the dates the availability of the draft and final EIS's were published in the FEDERAL REGISTER). The 30- and 90-day waiting periods noted above may run concurrently to the extent they overlap.

(c) Notification to the HA that the negative declaration has been adopted by the FHWA Division Engineer or that the processing of the final EIS has been completed shall be considered the FHWA acceptance of the general location of the highway section.

§ 771.7 Procedures.

(a) *Environmental assessment process.* (1) An environmental assessment should be made by the HA in consultation with FHWA for all proposed major FHWA actions during the initial studies. The environmental assessment and preparation of the negative declaration and environmental impact statement should be accomplished utilizing a systematic interdisciplinary approach to assure that the potential social, economic and environmental effects are identified and that proper consideration is given in the evaluation of their potential significance. The environmental assessment process will provide the basis for determining whether an environmental statement or a negative declaration will be prepared.

(2) Initial coordination with appropriate local, State and Federal agencies should be accomplished during the early stages to assist in identifying natural and cultural areas of significance and agency concerns. Existing procedures, including those established under the Office of Management and Budget (OMB) Circular A-95, should be used to the greatest extent practicable to accomplish this early coordination.

(3) During the environmental assessment process, consideration should be given to the potential social, economic and environmental effects of the alternatives under study, and to the extent that they have application, the effects on the following should be considered:

(i) Regional and community growth including general plans and proposed land use, total transportation requirements, status of the planning process, and, in urban areas, consistency with the goals and objectives of the urban transportation planning process.

(ii) Conservation and preservation including soil erosion and sedimentation, ecosystems and manmade and other natural resources, such as: park and recreational facilities, wildlife, waterfowl and wetland areas; districts, sites, buildings, structures or objects of historical, architectural, archeological or cultural significance; rare and endangered fish, wildlife and plant species.

(iii) Public facilities and services including religious, health and educational facilities, and public utilities, fire protection and other emergency services.

(iv) Community cohesion including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.

(v) Displacement of people, businesses and farms including relocation assistance, availability of adequate replacement housing, economic activity (employment gains and losses, etc.).

(vi) Air, noise, and water pollution including consistency with approved air quality implementation plans, FHWA noise level standards (as required under PPM 90-2), and any relevant Federal, State, or local water quality standards.

(vii) Esthetic and other values including visual quality, such as: "view of the road" and "view from the road," and joint highway/land use planning.

(4) Procedures established under the HA's Action Plan developed pursuant to Part 795 of this Chapter, will provide for early and continuing public involvement and coordination with other agencies. These procedures will ensure that the public and other agencies have adequate opportunity to assist in the identification and consideration of natural and cultural areas of significance.

(b) *Negative declaration.* (1) A negative declaration shall be prepared by the HA in consultation with FHWA for each major FHWA action when it is determined that it does not significantly affect the quality of the human environment.

(2) The negative declaration is to include in the written record evidence that the major action was evaluated and a determination made that it will not have a significant effect upon the quality of the human environment. The negative declaration should contain documentation which demonstrates the "reasonableness" of the environmental determination; the social, economic and environmental effects considered; and the need for the proposed action. It should also include map(s) showing the alternative highway corridor (locations), other comparative data including costs, and a discussion of the issues and comments received from other agencies, organizations and the public during the studies. When a public hearing is held on an action, the negative declaration shall not be adopted until it has been supplemented by a summary and analysis of the views received at the hearing concerning the proposed undertaking and alternatives.

(3) A negative declaration need not be circulated for comment, but the availability of a draft negative declaration shall be included in the notice of the public hearing or opportunity for public hearing. The notice should be placed in the local newspaper at least 30 days before the hearing. Regardless of whether or not there is a public hearing, a notice shall be placed in a local newspaper(s) advising the public of the availability of a draft negative declaration. The notice should include information necessary to identify the highway section and where to obtain information concerning the undertaking.

(4) The HA shall announce the availability of and briefly explain the draft negative declaration in its presentation at the public hearing.

(5) The HA and FHWA may decide to prepare and process an environmental statement if significant impacts are identified prior to finalizing the negative declaration. It would not be necessary in such instances to hold additional public hearings and public meetings for the sole purpose of presenting the draft environmental impact statement.

(6) The FHWA Division Engineer, after a review of the negative declaration and an examination of the environmental issues, shall, if acceptable, indicate FHWA adoption of the determination by signing and dating.

(7) The negative declaration shall be reevaluated at 5-year intervals unless an extension is granted by the FHWA Regional Administrator.

(c) *Draft Environmental Impact Statement (DEIS).* (1) A draft environmental impact statement shall be prepared and processed for major FHWA actions that significantly affect the quality of the human environment.

(2) The draft environmental statement shall be prepared by the HA and FHWA. The purposes of the DEIS are to assure that careful attention is given to the evaluation of environmental issues to ensure that adverse effects are avoided or minimized, wherever possible, and that environmental quality is restored or enhanced to the fullest extent practicable. The DEIS will also provide a basis for the HA, FHWA and other reviewers to give meaningful consideration of all environmental issues.

(3) The DEIS shall document the identified social, economic, environmental and other effects considered; discuss the basic need and justification for the action; discuss alternative actions being considered; and record the coordination achieved and comments received during the environmental assessment process.

(4) The FHWA Division Engineer shall review the DEIS and if in agreement with the scope and content, take responsibility for the DEIS and sign and date the title page before it is released for comment.

(5) The DEIS shall be circulated by the HA for comment and made available to the public at least 30 days before the public hearing (first public hearing when two public hearings are held) and no later than the publication of first notice for the hearing or opportunity therefore, or at a similar stage of development when public hearings are not required.

(6) Regardless of whether or not there is a public hearing, a notice should be placed in the newspaper advising where the DEIS is available for review and how copies may be obtained.

(7) An additional public hearing or public meeting will not be required for the sole purpose of presenting and receiving comments on a DEIS.

(8) The HA shall announce the availability of, and briefly explain, the DEIS in its presentation at the public hearing and other public meetings.

(9) The HA shall circulate the DEIS for review and comment to Federal, State, and local agencies with jurisdiction by law and special expertise with respect to any environmental impact involved. The Federal and Federal-State agencies and their relevant areas of expertise are identified in Appendix II of the CEQ Guidelines (40 CFR Part 1500). The HA shall also furnish 16 copies of each draft environmental statement to the FHWA Division Engineer who shall distribute 15 copies to the following recipients:

FHWA Regional Office	1
FHWA Office of Environmental Policy (HEV-10)	2
DOT Office of Environmental Affairs (TES-70)	2
Council on Environmental Quality (CEQ), 722 Jackson Place, NW., Washington, D.C. 20006	10

(10) The DEIS shall be available for review by the public at the HA headquarters and appropriate district offices; the State and appropriate regional and metropolitan clearinghouses; and FHWA division, regional and headquarters offices.

(11) The initial printing of the DEIS should be of sufficient quantity to meet reasonable requests from agencies, organizations and individuals. Copies of the DEIS should be furnished public and private organizations and individuals with special expertise with respect to the environmental impact involved and to those with an interest in the FHWA action who request an opportunity to comment. These should be furnished free of charge to the fullest extent practicable, or at a fee which is not more than the actual printing cost. Others who request copies of the DEIS should be advised of their availability from the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22151.

(12) The HA and the FHWA Division Engineer may establish a date not less than 45 days from the date of transmittal, plus a normal time for mail to reach and be returned from the recipient, for return of comments. An agency not responding by the date indicated may be assumed to have no comments on the DEIS. The HA should endeavor to grant requests for a time extension of up to 15 days for return of comments.

(13) A draft EIS for which the final EIS has not been submitted for adoption by FHWA within 3 years after its original date of circulation shall either be updated and recirculated for comment as a new DEIS or an exemption to recirculation must be secured from the FHWA Regional Administrator.

(d) *Maintaining lists of actions.* (1) The FHWA Division Engineers shall maintain two lists of actions on which the HA and FHWA have reached agreement on the type of environmental processing (environmental statement or negative declaration). One list should include those major actions for which environmental impact statements are being prepared and the other should include those for which draft negative declarations have been or are to be prepared.

(2) The lists shall be updated at the end of each calendar quarter and forwarded to the FHWA region and Washington office.

(3) Each line item on these lists shall be identified by county or city, route number, termini, length and proposed number of lanes.

(4) A change in the environmental processing from environmental statement to negative declaration shall be footnoted in the next subsequent EIS listing. The highway section may be removed from the next listing when the final EIS is filed with CEQ or when the final negative declaration has been adopted by the FHWA Division Engineer.

(5) These lists shall be available for public inspection and copying.

(e) *Final Environmental Impact Statement (FEIS).* (1) A final environmental impact statement shall be prepared and processed for major FHWA actions which significantly affect the environment.

(2) The final environmental impact statement shall be prepared by the HA and FHWA.

(3) A DEIS may be changed to a negative declaration if the review process and public hearing, when held, indicate that the proposal will not have a significant effect upon the environment. All agencies and individuals that received copies and/or commented on the draft statement must be informed that a negative declaration was substituted for the DEIS and given a brief explanation of the reason therefore.

(4) The Regional Federal Highway Administrator, after an examination of the FEIS and the comments and disposition thereof, shall take responsibility for the scope and content and indicate FHWA adoption and approval by signing and dating it before forwarding 14 copies to the FHWA Office of Environmental Policy, HEV-10.

(5) The HA and FHWA may, upon request of an agency, organization or individual, furnish a copy of the statement as signed by the Regional Federal Highway Administrator, but such document shall be marked "Not Official" until the FEIS has been filed with CEQ.

(6) The HA shall furnish a copy of the FEIS, as sent to CEQ, to Federal, State, and local agencies; public and private organizations; and individuals that made substantive comments on the DEIS and that requested a copy. Copies of the FEIS should also be furnished those who have an interest in the action and request a copy.

(7) A copy of the FEIS shall be sent to the Environmental Protection Agency to assist in carrying out its responsibilities under section 309 of the Clean Air Act.

(8) The FEIS shall be available for public review at the HA headquarters and appropriate district offices, and the State and appropriate regional and metropolitan clearinghouses.

(9) Copies furnished public and private organizations and individuals should be furnished free of charge to the fullest extent practicable or at a fee which is not more than the actual printing or reproduction cost.

(10) Where the distribution of the complete FEIS to all commenting entries is impractical, alternate arrangements,

such as furnishing sections of statements which deal with specific areas of concern should be considered.

(11) Other requests for copies of final statements should be referred to the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22151.

(12) An FEIS shall be reevaluated at 5-year intervals unless an extension is granted by the FHWA Regional Administrator.

§ 771.8 Supplements and amendments.

A DEIS or FEIS may be amended at any time. Supplements or amendments should be considered when substantial changes are made in the proposed action that will introduce a new or changed environmental effect of significance to the quality of the environment or significant new information becomes available concerning its environmental aspects. In such cases, the supplement or amendment is to be processed in the same manner as a new environmental statement.

§ 771.9 Environmental statements.

(a) Each environmental statement (draft or final) shall have a title page headed as follows:

*Report Number: ----------

ADMINISTRATIVE ACTION FOR

(Route, Termini, County, City, etc.)

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
and
[optional]

(appropriate highway agency)

DRAFT (FINAL)
ENVIRONMENTAL IMPACT STATEMENT

Submitted pursuant to 42 U.S.C. 4332(2)(C) and 23 U.S.C. 128(a)

[optional]

Date — Signature and title of appropriate highway agency official

Cleared for Circulation (draft)
Approved and Adopted by FHWA (final)

Date — Signature and title of appropriate FHWA official

*The number placed at the top left-hand corner of the title page on all draft and final environmental statements is as follows:

FHWA-AZ-EIS-73-01-D(F)(S)

FHWA—Name of Federal agency
AZ—Name of State (cannot exceed four characters)
EIS—Environmental Impact Statement
73—Year draft statement was prepared
01—Sequential number of draft statement for each calendar year
D—designates the statement as the draft statement
F—designates the statement as the final statement
S—designates supplemental statement

(b) Summary sheet: (1) Check appropriate box(es):

Federal Highway Administration
Administrative Action Environmental Statement
( ) Draft ( ) Final
( ) Section 4(f) Statement attached

(2) For draft statements, the name, address, and telephone number of the individual at the HA who can be contacted for additional information about the proposal and statement. For final statements, it should be the name of the FHWA Division Engineer.

(3) Brief description of the proposed FHWA action indicating route, termini, length, county, city, State, etc., as appropriate. Also list other proposed Federal actions in the area, if any, which are in the statement.

(4) Summary of environmental impacts and adverse environmental effects.

(5) Summarize major alternatives considered.

(6) List Federal, State and local agencies and other organizations from which comments are being requested (draft) and from which comments were requested (final) and identify those that returned written comments.

(7) For final statements, the date the draft statement was made available to CEQ (date published in the FEDERAL REGISTER).

(c) The sections listed below, as a minimum, are to be covered in environmental statements. Every effort shall be made to convey the required information succinctly in a form easily understood, both by members of the public and commenting agencies, giving attention to the substance of the information conveyed rather than to the particular form, length, or detail of the statement. Succinctness and brevity, consistent with the requirements and the information to be transmitted, should be the aim of those preparing the EIS, insomuch as an unwieldy and cumbersome statement may be less effective. Each of the sections, for example, need not always occupy a distinct section of the statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered by the agency in preparing the statement. Such information may be indicated in footnotes or an appendix. In the case of documents not easily accessible (such as internal studies or reports), the HA should indicate where such information may be reviewed or obtained. If such information is attached to the statement, care should be taken to ensure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference. The amount of detail provided in the statement should be commensurate with the extent and expected impact of the action, and with the amount of information required to justify the proposed action. The statements shall be printed on standardized paper (8½" x 11") and maps, drawings, illustrations, etc. folded for assembly to the same size. Material should be assembled in logical order, fastened on the left edge, and enclosed in a durable, flexible cover. Sheets wider than 8½ inches should be folded so as to open to the right with identification added or showing at the right edge. When colors are used, other methods of delineation (i.e. dots, cross hatching, etc.) should also be used so that the statement will be legible when it is reproduced in black and white.

(1) A description of the proposed alternatives under consideration, and the social, economic, and environmental context: This section shall include a summary of the engineering data showing that the development of the action has taken into consideration the need for fast, safe and efficient transportation together with highway costs, traffic benefits, and public services. This summary should indicate the significant technical and economic differences and reasons concerning the alternative proposals to the extent appropriate for the scope and nature of the project. In addition, this section shall include a summary and inventory of the environmental surroundings. Below is the type of information and data that would generally be included:

(i) Location, type facility, and length (on new existing alignment);

(ii) Traffic data and number of lanes;

(iii) Predominant right-of-way width and access control (existing and proposed);

(iv) Location of major design features such as interchanges, separation structures, at-grade intersections, river crossings, etc.;

(v) Deficiencies of the existing facilities and the need and justification for the proposed action, including the benefits to the State, region and community;

(vi) Summary of technical, social, and economic studies made to support the proposed action;

(vii) The current status of the proposal with a brief historical resume and an estimate of when the proposal will be constructed;

(viii) A general description of the surrounding terrain;

(ix) Existing and proposed land use (a map preferable), including other proposed Federal action in the area affected;

(x) Inventory of economic factors such as employment, taxes, property value, etc.;

(xi) Surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways, and similar features that are pertinent to the study;

(xii) General description of the surrounding neighborhoods and population and growth characteristics; and

(xiii) Vicinity and detailed maps, sketches, pictures, layouts, and other visual exhibits should be used, as necessary, to show specific involvement to give a layman reviewer a reasonable understanding of the impact and proposed measures to minimize harm.

(2) The relationship of the proposed action to land-use plans, policies and controls for the affected area: Where conflicts or inconsistencies exist, this section should describe the extent of reconciliation and the reason for proceeding notwithstanding the absence of full reconciliation.

(3) The probable impact of the proposed development or improvement on the environment: The evaluation and discussion should specifically identify significant beneficial and detrimental environmental consequences both primary and secondary upon the State, the region and/or community, as appropriate, of building a new highway into or through an area, or modernizing the existing highway. The attention given to different environmental factors will vary according to the nature, scale and location of the proposed project. Primary attention should be given in the statement to discuss those factors most evidently impacted by the proposed action.

(i) This section, for instance, would discuss and evaluate the indirect impacts on the area or region such as the problems relating to anticipated increase in urbanization in the form of associated investments and changed patterns of social and economic activities. Also, the impacts on existing community facilities and activities through inducing new facilities and activities, or through changes in natural conditions, should be discussed. The interrelation and cumulative impacts of the proposed action on other governmental projects should be presented. Population and growth change impacts should be estimated if expected to be significant and an assessment made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water and public services, of the area in question. The impact of dividing or disrupting an established community or disrupting orderly, planned development or the inconsistency of plans or goals that have been adopted by the community in which the project is located or causing increased congestion should be discussed, as appropriate. Particular social impacts of the action on the elderly, handicapped, nondrivers, transit-dependents, pedestrians, bicyclists, or minorities would be included in this section.

(ii) Direct impacts upon the narrow band adjacent to the highway may be included when significant to the whole of the region or the community. However, the discussions under this section should address the probable significant impacts of the action (as opposed to individual alternative locations or designs) which might include the probable impact upon elements, factors and features listed below.

(A) Significant adverse impacts on natural ecological, cultural or scenic resources of national, State or local significance.

(B) Significant impacts of relocation: This discussion should include a description of probable impacts, sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives, and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available: an estimate of households to be displaced, including the family characteristics (e.g., minorities, income levels, tenure, the elderly, large families); impact on the human environment of an action which divides or designates an established community, including where pertinent the effect of displacement on types of families and individuals affected; impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families); an estimate of the businesses to be displaced and the general effect of business dislocation on the economy of the community; a definition of relocation housing in the area, and the ability to provide adequate relocation housing for the types of families to be displaced; a description of the actions proposed to remedy insufficient relocation housing including, if necessary, housing of last resort; and results of consultation with local officials and community groups regarding the impacts on the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

(C) Significant impact on air quality: The draft EIS shall include an identification of the air quality impact of the proposal, a brief summary of the results of consultation with the cognizant air pollution control agency, comments received from the cognizant air pollution control agency, and the highway agency's tentative finding on the consistency of each alternative under consideration with the approved State Implementation Plan. The final EIS shall, as may be necessary, refine and update the information included in the draft EIS.

(D) Significant noise impacts: The environmental statement will usually contain only a summary of the noise impacts which have been explained in greater depth in a separate report. For projects on which the precise horizontal and vertical alignments have been established (such as for the widening of existing roadways) the summary in the environmental statement should include: information on the quantities and types of land uses which will be potentially affected by noise, the extent of the noise impact (in terms of decibels), the possible abatement measures which can be employed, the highway agency's proposals for abatement, and exceptions to the FHWA design noise levels which will be requested. For projects on which the precise horizontal and vertical alignments have not been precisely established (which may be the case for many projects on new location), the summary in the environmental statement should include: information on the numbers and types of land uses which may be affected, an approximation of the degree of impact (in terms of decibels), the likelihood that noise abatement measures will successfully reduce the noise, the highway agency's proposal for abatement measures where such measures are physically possible, and any anticipated exceptions to the FHWA design noise levels which may be requested.

(E) Significant impacts on water quality: The environmental statement should contain an identification of water quality impacts, and consultation with the agency responsible for the State water standards with respect to conformity with existing laws shall be documented as appropriate. Possible water quality impacts related to highways include: erosion and subsequent sedimentation problems; use of deicing, weed, rodent and insect control products; and waste water disposal at safety roadside rest areas.

(F) Significant effects on ground water, flood plains, wetlands and coastal zones.

(G) Whenever the waters of any stream or other body of water are to be impounded (surface area of 10 acres or more), diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose, the consultation with the U.S. Fish and Wildlife Service, Department of the Interior and the agency exercising administration over the wildlife resources of the particular State as required by 16 U.S.C. 662(a) shall be documented in this section.

(4) Alternatives: The alternatives studied in detail, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are to be described narratively and with maps and other

visual aids, as necessary. The location and/or design alternatives as well as a do-nothing alternative, postponing the action pending further study, and actions of significantly different nature whether or not within the authority of FHWA which would provide similar benefits with different environmental impacts should be identified. The probable beneficial and/or adverse effects of each alternative identified are to be described to the extent practicable and consistent with the scale of the proposed highway improvement and significance of the impact. The explanation of alternatives should include an objective evaluation and analysis of estimated costs (expressed in either monetary, numerical, or quantitative terms), engineering factors, transportation requirements, and environmental consequences. The discussion of environmental impacts should include more detailed impacts for each alternative than the broad environmental consequences for the corridor, and should include appropriate measures to eliminate or minimize the adverse impacts and the estimated costs of such measures. The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be selected by the HA following the public hearing. The final environmental statement shall identify the selected alternative and should contain a description and discussion of the other alternatives considered, including the alternatives which were raised during the public hearings and a summary of the data supporting the selected alternative.

(5) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented such as water or air pollution, effect upon section 4(f) land, damage to life systems, urban congestion, threats to health, undesirable land use patterns, or other consequences adverse to the environment. This should be a brief section summarizing in one place those effects that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a statement of how other avoidable adverse effects will be mitigated. Planning and measures taken and proposed to minimize harm should include procedural and standard measures which are required by standard specifications or standard operating procedures such as erosion control, stream pollution prevention, borrow pit screening or rehabilitation, fencing, relocation of people and businesses, land acquisition procedures, joint development, etc. Measures unique to a specific project should be discussed in detail. Examples of such would be depressing an urban highway to minimize audio and visual effects, providing buffer zones for esthetic purposes, replacement of parklands, etc.

(6) The relationship between local short-term uses of man's environment and the maintenance of long-term productivity: The short-term uses should be evaluated (construction, changes in traffic patterns, the taking of natural features such as trees, etc., and manmade features such as homes, churches, etc.) as compared to the long-term effects (foreseen changes in land use resulting from the highway improvement or other similarly related items that may either limit or expand land use, affect water, air, wildlife, etc., and other environmental factors). Also, this section should include a discussion of the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(7) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented: Highways require use of natural resources such as forest or agricultural land; however, these are generally not in sufficient quantity to be significant. The improved access and transportation afforded by a highway may generate other related actions that could reach major proportions and which would be difficult to rescind. An example would be a highway improvement which provides access to a nonaccessible area, acting as a catalyst for industrial, commercial, or residential development of the area. It should be noted that the term "resources" does not only mean the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

(8) An indication of what other interests and considerations of environmental effects of the proposed action: The statement would indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.

(9) Final statements shall include a copy of all comments received on the ments raised at the public hearing, along draft and a summary of substantive comwith a discussion of the comments and suggestions: The HA shall discuss its disposition of each substantive comment and suggestion (e.g., revisions to the proposed development, or improvement to overcome anticipated problems or objections; reasons why comments and suggestions could not be accepted; factors of overriding importance prohibiting the incorporation of suggestions, etc.). If the draft statement is revised as a result of a comment received, the discussion should indicate where (section and page number) revisions are made. The discussion of comments should follow each letter with substantive comments or be included as a separate section.

§ 771.10 Section 4(f) statement.

(a) The purpose of a section 4(f) statement is to document the considerations, consultations and alternative studies made to support the use of publicly owned land from a park, recreation area, or wildlife and waterfowl refuge, or of land from a historic site of national, State, or local significance as determined by officials having jurisdiction over them. To support such use, it must be shown that:

(1) There is no feasible and prudent alternative to the use of such lands, and

(2) Such program includes all possible planning to minimize harm to the section 4(f) land resulting from such use.

(b) The provisions of this section apply to the use of any public or private land from a historic site, district, building or structure of local, State, or national significance, as determined by the local, State or Federal officials having jurisdiction over them, by any community, regional or State historical body which recognizes and certificates historic properties within its area of jurisdiction. If such historic place is listed on the National Register of Historic Places, the section 4(f) statement should also provide evidence that the provisions of 16 U.S.C. 470(f) (section 106 of the Historic Preservation Act of 1966) have been satisfied. The applicability of section 4(f) is, however, not limited to properties listed on the National Register.

(c) Park and recreation lands, wildlife and waterfowl refuges, and historic sites are sometimes designated or determined to be significant late in the development of a highway section. In such cases, a project may proceed without the preparation of a section 4(f) statement, if the right-of-way from such 4(f) type lands was acquired prior to the designation or change in significance.

(d) The section 4(f) statement shall be attached (as a separate report) to the environmental statement or the negative declaration, whichever is appropriate. This statement must be written in such a form that reference to the environmental statement is not necessary.

(e) The section 4(f) statement should be circulated for comment in the same manner as a DEIS and in most cases should be attached to the DEIS.

(f) A section 4(f) statement being processed in conjunction with a project for which a negative declaration was prepared must be coordinated with the Departments of the Interior, Housing and Urban Development, and Agriculture, and the local, State or Federal agency that has jurisdiction over the section 4(f) lands. In such cases, the negative declaration should be adopted by the FHWA Division Engineer before the section 4(f) statement is coordinated. The HA may establish a time limit of not less than 45 days for reply, after which it may be presumed that the agency has no comment to make.

(g) The coordinated section 4(f) statement, with comments and suggestions pertaining to the section 4(f) statement and the HA disposition of same, shall be furnished to the FHWA along with the final environmental statement for appropriate processing.

(h) The following information, where pertinent and available, should be included in the section 4(f) statement to initiate the necessary interagency review.

(1) The description of the project shall include information about the section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship between the highway and park, and the extent of the impact, such as:

(i) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc., as appropriate);

(ii) Type (recreation, historic, etc.);

(iii) Available activities (fishing, swimming, golf, etc.);

(iv) Facilities existing and planned (description and loction of ball diamonds, tennis courts, etc.);

(v) Usage (approximate number of users for each activity if such figures are available);

(vi) Relationship to other similarly used lands in the vicinity;

(vii) Access (both pedestrian and vehicular);

(viii) Ownership (city, county, State, etc.);

(ix) If applicable, deed restriction or reversionary clauses;

(x) The determination of significance by the Federal, State, or local officials having jurisdiction of the section 4(f) land. If such official determines that the park, recreation area, refuge or historic site is not significant, or the land is not actually used as such and there is no definite formulated plan for such use, substantive documentation supporting such a determination must be presented in the statement. The FHWA Division Engineer must assure himself that the determinations by others are reasonable and appropriate before accepting the agencies determination of significance. In the absence of such a statement, the land will be considered to be significant;

(xi) Unusual characteristics of the section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area);

(xii) Consistency of location, type of activity, and use of the section 4(f) land with community goals, objectives and land use planning; and

(xiii) If applicable, prior use of State or Federal funds for acquisition or development of the section 4(f) land.

(2) A description of the manner in which the FHWA action will affect the section 4(f) land, such as:

(i) The location and amount of land (acres or square feet) to be used by the highway;

(ii) A detailed map or drawing of sufficient scale to discern the essential elements of the highway/section 4(f) land involvement;

(iii) The facilities affected;

(iv) The probable increase or decrease in physical effects on the section 4(f) land users (noise, fumes, etc.); and

(v) The effect upon pedestrian and vehicular access to the section 4(f) land.

(3) Specific information must be included to support the Federal Highway Administrator in making a determination that there is no feasible or prudent alternative. Supporting information must demonstrate that there are truly unusual factors present and evidence that the cost or community disruption resulting from alternative routes reaches extraordinary magnitudes:

(4) Information to demonstrate that all possible planning to minimize harm is or will be included in the highway proposal. Such information should include:

(i) The agency responsible for furnishing the right-of-way;

(ii) Provisions for compensating or replacing the section 4(f) land and improvements thereon, including the status of any agreements (include agreed upon functional replacement acreages, and type land, etc., when known);

(iii) Design features developed to enhance the section 4(f) land or to lessen or eliminate adverse effects (improving or restoring existing pedestrian, bicycle or vehicular access, landscaping, esthetic treatment, noise mitigation measures, etc.); and

(iv) Coordination of construction to permit orderly transition and continual usage of section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).

§ 771.11 Historic sites.

(a) In instances where historic places will be taken or otherwise affected by the project the following coordination requirements apply:

(1) Coordinate early in the planning of the project with the State Historic Preservation Officer to determine if any historic place listed, or qualified for listing, on the National Register of Historic Places will be involved. Evidence of this coordination will appear in the DEIS (the National Register, together with Advisory Council on Historic Preservation procedures for compliance, appeared in the FEDERAL REGISTER, February 28, 1973, and is reissued annually).

(2) List all historic places affected by the project in the DEIS.

(3) Ordinarily, the historic information noted above will be available in time to appear in the DEIS. If such information is not available in time for the DEIS, it will appear in the FEIS.

(4) If the project affects a historical place, historic preservation procedures, referenced above, will be followed and the resulting memorandum of agreement, signed by FHWA, the State Historic Preservation Officer and the Advisory Council will be included in the FEIS.

(b) Pursuant to Executive Order 11593 (36 FR 8921), "Protection and Enhancement of the Cultural Environment," the DEIS or negative declaration will state how the proposed undertaking will contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, or archeological significance.

2. Chapter I of Title 23 CFR would be amended by revising Part 795 as follows:

PART 795—ACTION PLAN—PROCESS GUIDELINES

Sec.

AUTHORITY: 23 U.S.C. 109(h), 23 U.S.C. 128, 23 U.S.C. 315, 40 CFR 1500, and 49 CFR 1.48 (b).

§ 795.1 Purpose.

To provide to highway agencies and Federal Highway Administration (FHWA) field offices guidelines for the development of Action Plans to assure that adequate consideration is given to possible social, economic, and environmental effects of proposed highway projects and that the decisions on such projects are made in the best overall public interest. These guidelines identify issues to be considered in reviewing the present organization and processes of a highway agency as they relate to social, economic, and environmental considerations, and in developing desirable improvements. The guidelines recognize the unique situation of each State and do not prescribe specific organizations or procedures.

§ 795.2 Definitions.

(a) Highway agency: The agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of Federal-aid highway projects.

(b) Human environment: The aggregate of all external conditions and influences (esthetic, ecological, cultural, social, economic, historical, etc.) that affect human life.

(c) Environmental effects: The totality of the effects of a highway project on the human and natural environment.

(d) A–95 clearinghouse: Those agencies and offices in States, metropolitan areas, and multi-State regions which perform the coordination functions called for in Office of Management and Budget (OMB) Circular A–95.

(e) The following definitions are provided solely to clarify the terms "system planning," "location," and "design" as they are used in these guidelines. A highway agency may choose to use different definitions in responding to these guidelines. If not stated otherwise, the following definitions will be assumed to be applicable.

(1) *System planning.* Regional analysis of transportation needs and the identification of transportation corridors.

(2) *Location.* From the end of system planning through location approval.

(3) *Design.* From location approval through the approval of plans, specifications, and estimates.

(f) *Major design features:* This will include such elements as number of traffic lanes, access control features, general horizontal and vertical alignments, approximate right-of-way requirements, and locations of bridges, interchanges and other major structures, etc.

§ 795.3 Policy.

(a) It is the FHWA's policy that full consideration shall be given to social, economic, and environmental effects throughout the planning of highway projects including system planning, location, and design; that provisions for ensuring such consideration shall be incorporated in the decisionmaking process; and that decisions shall be made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing possible adverse social, economic, and environmental effects.

(b) The process by which decisions are reached should be such as to merit public confidence in the highway agency. To achieve this objective, it is the FHWA's policy that:

(1) Social, economic, and environmental effects be identified and studied early enough to permit analysis and consideration while alternatives are being formulated and evaluated.

(2) Other agencies and the public be involved in project development early enough to influence technical studies and final decisions.

(3) Appropriate consideration be given reasonable alternatives, including the alternative of not building the project and alternative modes.

§ 795.4 Application.

(a) These guidelines apply to highway agencies that propose projects on any Federal-aid system for which plans, specifications, and estimates are approved by the FHWA.

(b) These guidelines apply to all processes that will be used for all Federal-aid projects including those projects processed under Certification Acceptance procedures (23 U.S.C. 117).

(c) These guidelines apply to system planning decisions, including those made in the urban transportation planning process established by 23 U.S.C. 134, and to project decisions made during the location and design stages.

(d) These guidelines and the Action Plan shall only be applied to the future development of ongoing projects and to future projects. They are not retroactive, and shall not apply to any step or steps taken in the development of a project prior to the time of the implementation of the parts of the Action Plan applicable thereto.

(e) Where the Federal Highway Administration has made a formal determination that "emergency relief" highway construction is urgently needed because of a national emergency, a natural disaster, or a catastrophic failure, the provisions of this directive will not apply to immediate restoration work or replacement in kind. For all other emergency relief work, the provisions of the directive will remain in effect, unless otherwise determined by the Federal Highway Administrator.

§ 795.5 Procedures.

(a) To meet the requirements of these guidelines, each highway agency shall develop an Action Plan which describes the organization to be utilized and the processes to be followed in the development of Federal-aid highway projects from initial system planning through design.

(b) The Action Plan should be consistent with the requirements of Part 771 of this chapter, and of other applicable directives.

(c) Involvement of the public and local, State, and Federal officials and agencies, including A–95 clearinghouses and the 23 U.S.C. 134 metropolitan transportation planning process agencies, should be sought throughout the development of the Action Plan. Comments should be solicited during the draft and final stage of development of the Action Plan.

(d) The Action Plan submitted to the Governor of the State and to the FHWA should be accompanied by a description of the procedures followed in developing the Action Plan; the steps taken to involve the public and other agencies during development of the Plan; and a summary of comments received on the Plan (including the sources of such comments) and the State's disposition of these comments.

(e) The FHWA, through its division and regional offices, will consult with the State in the development of the Action Plan and, within the limits of its resources, will be prepared to assist or advise.

(f) The Action Plan shall be submitted to the Governor of the State for review and approval as a means of obtaining a high degree of interagency and intergovernmental coordination. Approval by the Governor may occur prior to submittal of the Action Plan to the FHWA, or, if desired by the State, may occur concurrently with FHWA approval.

(g) The Action Plan should be submitted to the FHWA not later than June 15, 1973, for approval. The FHWA will not give location approval on projects after November 1, 1973, unless the Action Plan has been approved.

(h) Review and approval of the Action Plan and revisions thereto will be the responsibility of the Regional Federal Highway Administrator.

§ 795.6 Implementation and revision.

(a) The FHWA shall review the States' implementation of their Action Plans at appropriate intervals. The FHWA may withhold location approvals, or take any other actions as it deems appropriate, if the Action Plan is not being followed. Similarly, the FHWA may withhold location approvals or take any other actions as it deems appropriate, if in its reviews it determines that the Action Plan procedures are not achieving the objectives of this directive.

(b) The Action Plan shall be implemented as quickly as feasible. A program of staged implementation for the period up to November 1, 1974, shall be developed and described in the Action Plan. It is expected that all aspects of the Action Plan will be implemented by this date. If the highway agency believes that any provision in its Action Plan cannot be implemented prior to November 1, 1974, it shall present a schedule for the implementation of such provisions to the FHWA, which will consider the proposed schedule on a case-by-case basis.

(c) If the schedule for implementation set forth in an approved Action Plan is not met, the FHWA may withhold location approvals or such other actions as it deems appropriate.

(d) An approved Action Plan may be revised to meet changed circumstances or to permit adoption of improved procedures or assignments of responsibilities.

(1) The Action Plan should identify the assignment of responsibility for developing Action Plan revisions.

(2) Section 795.5, paragraph (f) of this section (Governor's approval) shall apply to revision of the Action Plan; except that the highway agency, with the Governor's approval, may include a provision in the Action Plan to allow all or some type of revisions in the approved Action Plan without review and approval by the Governor. In such instances, the Action Plan should include a description of the types of such revisions.

(3) The highway agency in consultation with the FHWA shall determine the extent to which involvement of the public and other agencies is necessary in the development of proposed Action Plan revisions.

§ 795.7 Contents of the Action Plan.

The Action Plan shall indicate the procedures to be followed in developing highway projects, including organizational structure and assignments of responsibility by the chief administrative officer of the highway agency to positions or units within the agency. Where participation of other agencies or consultants will be utilized, this should be so indicated. The topics to be covered by the Action Plan are outlined in §§ 795.8 through 795.17.

§ 795.8 Identification of social, economic, and environmental effects.

(a) Identification of potential social, economic, and environmental effects, both beneficial and adverse, of alternative courses of action should be made as early in the study process as feasible. Timely information on such effects should be produced so that the development and consideration of alternatives and studies can be influenced accordingly. Further, the costs, financial and otherwise, of eliminating or minimizing possible adverse social, economic, and environmental effects should be determined.

(b) The Action Plan shall identify:

(1) The assignment of responsibility for:

(i) Providing information on social, economic, and environmental effects of alternative courses of action during system planning, location, and design stages.

(ii) Controlling the technical quality of social, economic, and environmental studies.

(iii) Monitoring current social, economic, and environmental research; monitoring environmental effects of completed projects where appropriate; and disseminating "state-of-the-art" information within the agency.

(2) Procedures to be followed to ensure that timely information on social, economic, and environmental effects:

(i) Is developed in parallel with alternatives and related engineering data, so that the development and selection of alternatives and other elements of technical studies can be influenced appropriately.

(ii) Indicates the manner and extent to which specific groups and interests including minority groups, are beneficially and/or adversely affected by alternative proposed highway improvements.

(iii) Is made available to other agencies and to the public early in studies.

(iv) Is developed with participation of staffs of local agencies and interested citizens.

(v) Is developed sufficiently to allow for the estimation of costs, financial or otherwise, of eliminating or minimizing identified adverse effects.

§ 795.9 Consideration of alternative courses of action.

(a) Alternatives considered should include, where appropriate, alternative types and scales of highway improvements and other transportation modes. The option of no highway improvement should be considered and used as a reference point for determining the beneficial and adverse effects of other alternatives. Appropriate alternatives which might minimize or avoid adverse social, economic, or environmental effects should be studied and described, particularly in terms of impacts upon specific groups and in relationship to 42 U.S.C. 2000d—2000d–4 (Title VI of the Civil Rights Act 1964) and 42 U.S.C. 3601–3619 (Title VIII of the Civil Rights Act of 1968).

(b) The Action Plan shall identify the assignment of responsibility and the procedures to be followed to ensure that:

(1) The consequences of the no-highway-improvement option are set forth, with data of a level of completeness and of detail consistent with that developed for other alternatives.

(2) A range of alternatives appropriate to the stage is considered at each stage from system studies through final design.

(3) The development of new transportation modes or the improvement of other modes are adequately considered, where appropriate.

(4) Nontransportation components, such as replacement housing, joint development, multiple use of rights-of-way, etc., are in coordination with transportation components.

(5) Suggestions from outside the agency are given careful consideration.

§ 795.10 Involvement of other agencies and the public.

(a) The President has directed Federal agencies to "develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties" (Executive Order 11514, 35 FR 4247). Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken. Information about the existence, status, and results of studies, should be made available to the public throughout those stuides. Public hearings should be only one component of the agency's program to obtain public involvement.

(b) The Action Plan shall identify the assignment of responsibility and procedures to be followed:

(1) To ensure that information is made available to other agencies and the public throughout the duration of project studies, and that such information is as clear and comprehensible as practicable concerning:

(i) The alternatives being considered.

(ii) The effects of alternatives, both beneficial and adverse, and the manner and extent to which specific groups, including minority groups, are affected.

(iii) Right-of-way and relocation assistance programs and relocation plans.

(iv) The proposed time schedule of project development, including major points of public interest.

(2) To clearly indicate the organizational unit or units within the highway agency to which the public can go for information outlined in paragraph (b) (1) of this section, and for assistance to clarify or interpret the information.

(3) To ensure that interested parties, including local governments and metropolitan, regional, State, and Federal agencies, and the public have an opportunity to participate in an open exchange of views throughout the stages of project development, including system planning, location, and design.

(4) To select and coordinate procedures, in addition to formal public hearings, to be used to inform and involve the public.

(5) To provide adequate opportunity for public hearings on the need for a project, alternate locations, major design features, and the potential social, economic, and environmental effects. The Action Plan shall include:

(i) Types of projects subject to hearings;

(ii) Stages of project development during which hearings will be held, and the function and coverage of each hearing;

(iii) Hearing notification procedures;

(iv) Description of how hearings will be conducted;

(v) Circumstances under which additional hearings will be held; and

(vi) Preparation and disposition of the transcripts, certifications, and reports required by 23 U.S.C. 128.

(6) To utilize appropriate agencies with area-wide responsibilities to assist in the coordination of viewpoints during project development.

(7) To involve appropriately the organization which is officially established in urbanized areas of over 50,000 population to conduct continuing, comprehensive, cooperative transportation planning (consistent with Part 520, Subpart E of this chapter).

§ 795.11 Systematic interdisciplinary approach.

(a) 42 U.S.C. 4332 (National Environmental Policy Act, 1969) requires that agencies use "a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."

(b) The Action Plan shall indicate procedural arrangements and assignments of responsibilities which will be necessary to meet this requirement, including:

(1) The organization and staffing of interdisciplinary project groups which are systematic and interdisciplinary in approach, including the possible use of consultants and representatives of other State or local agencies.

(2) Recruitment and training of personnel with skills which are appropriate to add on a full-time basis, and the development of appropriate career patterns, including management opportunities.

(3) Additional training for present personnel to enhance their capabilities to work effectively in an interdisciplinary environment.

§ 795.12 Decisionmaking process.

(a) The process of reaching various decisions on highway improvement projects should be reviewed to assure that it provides for the appropriate consideration of all economic, social, environmental, and transportation factors as required by these guidelines.

(b) The Action Plan shall identify:

(1) The processes through which other State and local agencies, government officials, and private groups may contribute to reaching decisions, and the authority, if any, which other agencies or government officials can exercise over decisions.

(2) Different decision processes, if any, for various categories of projects (e.g., Interstate, Primary, Secondary, Topics—Part 460, Subpart D of this chapter), and for various geographic regions of the State (e.g., in various urban and rural regions) to reflect local differences in the nature of potential environmental effects or in the structure of local governments and institutions.

(3) The processes to be used to obtain participation in decisions by officials of appropriate agencies in other States for those situations in which the potential social, economic, and environmental effects are of interstate concern.

§ 795.13 Interrelation of system and project decisions.

(a) Many significant economic, social, and environmental effects of a proposed project are difficult to anticipate at the system planning stage and become clear only during location and design studies. Conversely many significant environmental effects of a proposed project are set at the system's planning stage. Decisions at the system and project stages shall be made with consideration of their social, economic, environmental, and transportation effects to the extent possible at each stage.

(b) The Action Plan shall identify:

(1) Procedures to be followed to:

(i) Ensure that potential social, economic, and environmental effects are identified insofar as practicable in system planning studies as well as in later stages of location and design.

(ii) Provide for reconsideration of earlier decisions which may be occasioned by results of further study, the availability of additional information, or the passage of time between decisions.

(2) Assignment of responsibility for ensuring that project studies are effectively coordinated with system planning on a continuing basis.

§ 795.14 Levels of action by project category.

(a) A highway agency may develop different procedures to be followed depending upon the economic, social, environmental, or transportation significance of the highway section to be developed. Different procedures may also be adopted for various categories of projects, such as Topics (Part 460, Subpart D of this chapter), new route locations, or secondary roads, and for various regions of the State, such as urban areas or zones of particular environmental significance.

(b) The Action Plan shall identify:

(1) The categories which the highway agency will use to distinguish the different degrees of effort which under normal circumstances will be devoted to various types of projects.

(2) Assignment of responsibility for determining, initially and in periodic reviews, the category of each ongoing highway project.

(3) Procedures to be followed for each category (including identification of impacts, public involvement, decision process, and other issues covered in these guidelines).

§ 795.15 Responsibility for implementation.

Assignment of responsibility for implementation of the Action Plan should be identified.

§ 795.16 Fiscal and other resources

(a) An important component of the Action Plan is identification of resources of the highway agency and of other agencies required to perform the identified procedures and execute the assigned responsibilities.

(b) The Action Plan shall identify:

(1) The resources of the highway agency (in terms of personnel and funding) that will be utilized in implementing and carrying out the Action Plan.

(2) Resources that are available in other agencies to provide necessary information on social, economic, and environmental effects.

(3) Programs for the addition of trained personnel or fiscal or other resources to either the highway agency itself or other agencies.

§ 795.17 Consistency with existing laws and directives.

The highway agency should identify and report, either in the Action Plan or otherwise, areas where existing Federal and State laws and administrative directives prevent or hamper full compliance with these guidelines. Where appropriate, recommendations and proposed actions to overcome such difficulties should be described.

PART 790—PUBLIC HEARINGS (CORRIDOR AND DESIGN)

3. Part 790 of Chapter I, Title 23 CFR, would be amended by revising § 790.2, paragraph (a), as follows:

§ 790.2 Applicability.

(a) This part applies to all Federal-aid highway projects except those projects which are being developed in compliance with the public involvement procedures of an approved Action Plan revised in accordance with § 795.10(b)(5) of this Chapter.

* * * * *

Criteria for Evaluating Public Hearing Procedures

Proposed 23 CFR 795.10(b)(5) would require each highway agency to include public hearing procedures in its Action Plan. Since some guidance is necessary to assure that each highway agency's public hearing procedures are adequate, the evaluation criteria specified below would be issued to assist in the development and review of the hearing procedures. Each highway agency's public hearing procedures are expected to comply with 23 U.S.C. 128 and 40 CFR 1500.7(d) and to conform to the following criteria:

(a) *Types of projects subject to hearings.* Each highway agency's public hearing procedures are to provide for at least one public hearing to be held, or the opportunity for such a hearing to be provided, for federally funded projects that have not met the hearing requirements of 23 CFR 790 (PPM 20-8). Hearing procedures may exempt certain types of projects from the hearing requirement; for example, hearings need not always be required for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing structures, installing traffic control devices, or similar improvements. However, hearings should be held (or opportunity afforded) whenever a project requires the acquisition of significant or substantial amounts of right-of-way, would substantially change the layout or function of connecting roads or streets or of the facility being improved, would have a significant adverse impact upon abutting real property, or would otherwise have a significant social, economic, or environmental effect.

(b) *Stages of project development during which public hearings will be held and the function and coverage of each hearing.* (1) Public hearings are to provide a forum for the discussion of the need for the project, alternate locations, alternate major design features, and the potential social, economic, and environmental effects related to each. These phases of the project may be discussed at a single hearing or, if the highway agency so elects, may be separated for discussion at separate hearings held at various times during project development. In any case, the alternatives presented at each hearing should be developed to comparable levels of detail and each hearing should be held before the highway agency becomes committed to any alternative presented at that hearing. For example, if a highway agency elects to hold one hearing to cover alternate locations and major design features, the alternate major design features should be developed for each alternate location and the timing of the

hearing should be such that the highway agency is not committed to any location or design alternate.

(2) Action Plans should demonstrate how each highway agency intends to comply with paragraph (b)(1). They should indicate the number of hearings the highway agency intends to hold for each type of project, the stage of project development during which each hearing will be held, and the phases of the project that will be discussed at each hearing.

(c) *Notification procedures for public hearings.* (1) Action Plans are to include adequate procedures for notifying those interested in or affected by proposed projects of the opportunity for a public hearing and of scheduled public hearings. Such procedures should include publication of at least two notices of the hearing opportunity or of the scheduled hearing in newspapers having general circulation in the vicinity of the proposed project and in any newspaper having substantial circulation in the area concerned, such as foreign language and local community newspapers. One notice should be published at least 30 days in advance of the deadline for requesting a hearing or of the scheduled hearing. Each notice should be sent to the Division Engineer, to appropriate news media, and to those public agencies, groups, or individuals who have requested notification of hearings or who the highway agency knows or believes might be interested in or affected by the proposal.

(2) Action Plans are also to describe the content of the notices. At a minimum, the notice of hearing opportunity should explain the procedures for requesting a hearing; if no requests are received, the highway agency may consider that it has satisfied the requirement for that hearing. Notices of scheduled hearings should indicate the date, time, and place of the hearing; contain a narrative description and a sketch map of the proposal; indicate the procedure for submitting written statements and exhibits at or after the hearing; and, where appropriate, indicate that relocation assistance information will be available at the hearing.

(3) The Action Plans should also contain procedures for effective public notification of the highway agency's action with respect to location and major design features for projects where public hearings are held or the opportunity for hearings is provided.

(d) *Description of how hearings will be conducted.* Action Plans are to describe how the highway agency intends to conduct public hearings and what information will be presented. Listed below are those procedures that are considered so basic that they should be included in all Action Plans:

(1) Hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Responsible highway officials, public officials, or other qualified individuals are to be present at hearings as necessary to conduct the hearings and to be responsive to questions which arise. The highway agency should be appropriately represented at all hearings and is responsible for assuring that the requirements of its Action Plans are met.

(3) Provisions are to be made for public submission of written statements and exhibits at or after a hearing. The procedures for making submissions are to be described at the hearing.

(4) Pertinent information concerning the social, economic, and environmental effects of the alternatives studied by the highway agency is to be made available at each hearing.

(5) The highway agency is to discuss any environmental statements, noise analyses, and relocation assistance programs as appropriate for the project being considered and the type of hearing being held.

(e) *Circumstances under which additional hearings will be held.* Each Action Plan is to contain guidelines for determining when an opportunity for additional hearings will be provided and should describe the function and coverage of the additional hearings. These guidelines should require, as a minimum, the opportunity for additional hearings whenever the locations or designs are so changed from those the highway agency presented at the previous hearing, or described in the notice of opportunity for public hearing, as to have a substantially different social, economic, or environmental effect. The opportunity for additional hearings should also be afforded whenever the area affected by the proposal has so changed from the conditions which existed at the time of the previous public hearing as to result in the proposal having a substantially different social, economic, or environmental effect. While alternate locations should normally be discussed in such instances, additional hearings may be limited to a discussion of major design features when a substantial amount of right-of-way has already been acquired.

(f) *A discussion of the preparation and disposition of the reports, certifications, and transcripts required by 23 U.S.C. 128.* (1) Section 128 of Title 23 U.S.C. requires highway agencies to prepare and submit certain documents whenever public hearings are held or an opportunity for hearings is afforded. For each hearing held pursuant to these criteria, each highway agency is to prepare and submit:

(i) A verbatim written transcript of the hearing held, together with copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with the hearing;

(ii) A certification that it has held hearings or has afforded the opportunity for hearings, that it has considered the social, economic, and environmental effects of the proposed project, and that, where appropriate, it has considered the project's consistency with the goals and objectives of such urban planning as has been promulgated by the community;

(iii) A report indicating the consideration given to the social, economic, environmental, and other effects of the plan or highway location or design and the various alternatives which were raised during the hearing or which were otherwise considered. Environmental impact statements or negative declarations may satisfy this provision if they meet these criteria.

(2) Action Plans should discuss what the documents noted above will contain and when they will be submitted. When applicable, these documents are to be submitted. When applicable, these documents are to be submitted by the highway agency prior to FHWA adoption of the final envorinmental impact statement or negative declaration.

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ATOMIC ENERGY COMMISSION

[10 CFR Parts 2, 30, 40, 50, 51, 70]

ENVIRONMENTAL PROTECTION

Licensing and Regulatory Policy and Procedures

The Atomic Energy Commission has under consideration amendments to 10 CFR Parts 2, 30, 40, 50, and 70 of its regulations, and the addition of a new Part 51 to its regulations to be entitled "Licensing and Regulatory Policy and Procedures for Environmental Protection."

The principal purpose of these proposed regulations is to implement the revised Guidelines of the Council on Environmental Quality published in the FEDERAL REGISTER on August 1, 1973. In addition, the proposed regulations would place all of the Commission's policy and procedures implementing the National Environmental Policy Act of 1969 (NEPA), 83 Stat. 852, previously set forth in Appendix D of 10 CFR Part 50 of the Commission's regulations, into a new Part 51 to be entitled "Licensing and Regulatory Policy and Procedures for Environmental Protection." The new Part 51 would apply to rule making as well as licensing of production and utilization facilities and nuclear materials. Certain additions and amendments to the text of present Appendix D of 10 CFR Part 50 as it would appear in new Part 51 are also proposed in order to add a complete new Part, to consolidate insofar as practicable the policy and procedures for rule making, licensing of materials, and licensing of facilities, to bring the language up to date, and to make clarifying changes and changes of a technical nature. Conforming amendments to 10 CFR Parts 2, 30, 40, 50, and 70 would also be made.

Pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969, and section

553 of title 5 of the United States Code, notice is being given that adoption of the following amendments to 10 CFR Parts 2, 30, 40, 50, and 70, and the addition of a new Part 51 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments and new Part should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by December 17, 1973. Copies of comments on the proposed amendments and new Part may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. The references to "Appendix D of Part 50" or "section A.11 of Appendix D of Part 50" in §§ 2.104(b), 2.104(c), and 2.743(g), and sections V(f), VI(c), and VIII(b) of Appendix A, of 10 CFR Part 2, would be amended to refer to "Part 51."

2. The references to "Appendix D of Part 50" in §§ 30.11(a), note 2, 30.32(f), and 30.33(a) of 10 CFR Part 30 would be amended to refer to "Part 51."

3. The references to "Appendix D of Part 50" in §§ 40.14(a), note 1, 40.31(f), and 40.32(e) of 10 CFR Part 40 would be amended to refer to "Part 51."

4. The reference to "Appendix D of Part 50" in § 50.10(c) of 10 CFR Part 50 would be amended to refer to "section 51.5(a) of Part 51."

5. The references to "Appendix D of Part 50" in §§ 50.12(b), 50.30(f), and 50.40(d) of 10 CFR Part 50 would be amended to refer to "Part 51."

6. Appendix D of 10 CFR Part 50 would be revoked.

7. A new Part 51 would be added to read as follows:

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Sec.

Authority: Sec. 102, 83 Stat. 852 (42 U.S.C. 4332), sec. 161, 68 Stat. 919 (42 U.S.C. 2201).

§ 51.1 Purpose and scope.

(a) The National Environmental Policy Act of 1969 (83 Stat. 852), implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of August 1, 1973 (38 FR 20550), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The principal objective of the National Environmental Policy Act of 1969 is to build into the agency decision making process an appropriate and careful consideration of environmental aspects of proposed actions.

(b) This part sets forth the Atomic Energy Commission policy and procedures for the preparation and processing of environmental impact statements and related documents pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with the Commission's licensing and regulatory activities.

(c) This part does not address any limitations on the Commission's authority and responsibility pursuant to the National Environmental Policy Act of 1969 imposed by the Federal Water Pollution Control Act (86 Stat. 916). This matter is addressed in an Interim Policy Statement published in the Federal Register on January 29, 1973 (38 FR 2679).

§ 51.2 Definitions.

(a) "Commission" means the Atomic Energy Commission or its authorized representatives.

(b) "NEPA" means the National Environmental Policy Act of 1969.

(c) "Environmental report" means a document submitted to the Commission by applicants for permits, licenses, and orders, and amendments thereto and renewals thereof, or by petitioners for rule making, in order to aid the Commission in complying with section 102(2)(C) of NEPA.

(d) "Notice of intent" means a notice that an environmental impact statement will be prepared and processed.

(e) "Environmental impact statement" means the detailed statement prepared by the Commission pursuant to section 102(2)(C) of NEPA.

(f) "Negative declaration" means a statement that the Commission has determined not to prepare an environmental impact statement for a particular action.

(g) "Environmental impact appraisal" means a document which provides the basis for a negative declaration.

§ 51.3 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 51.4 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the regulations of this part as it determines are authorized by law and are otherwise in the public interest.

Subpart A—General Requirements for Environmental Impact Statements, Negative Declarations, and Impact Appraisals

§ 51.5 Actions requiring preparation of environmental impact statements, negative declarations, environmental impact appraisals; actions excluded.

(a) An environmental impact statement will be prepared in connection with the following types of actions:

(1) Issuance of a permit to construct a nuclear power reactor, testing facility, or fuel reprocessing plant pursuant to Part 50 of this chapter;

(2) Issuance of a full power, full term license to operate a nuclear power reactor, testing facility, or fuel reprocessing plant pursuant to Part 50 of this chapter;

(3) Issuance of a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride pursuant to Part 70 of this chapter;

(4) Issuance of a license to possess and use source material for uranium milling or production of uranium hexafluoride pursuant to Part 40 of this chapter;

(5) Issuance of a license authorizing commercial radioactive waste disposal by land burial pursuant to Parts 30, 40, and/or 70 of this chapter;

(6) Conversion of a provisional operating license for a nuclear power reactor or fuel reprocessing plant to a full power, full term license pursuant to Part 50 of this chapter where no final environmental impact statement has been previously prepared;

(7) Any other action which the Commission determines is a major Commission action significantly affecting the quality of the human environment.

(b) Many licensing and regulatory actions of the Commission other than

those listed in paragraph (a) of this section may or may not require preparation of an environmental impact statement, depending upon the circumstances. Such other actions include:

(1) Issuance of a permit to construct, or a full power, full term license to operate, a production or utilization facility other than a nuclear power reactor, testing facility or fuel reprocessing plant;

(2) Issuance of an amendment of a construction permit or full power, full term operating license for a nuclear power reactor, testing facility, or fuel reprocessing plant which would authorize a significant change in the types or a significant increase in the amounts of effluents, or a significant increase in the authorized power level;

(3) Issuance of a license to operate a power reactor, testing facility, or fuel reprocessing plant at less than full power or for less than the full term;

(4) Issuance of an amendment which would authorize a significant change in the types or a significant increase in the amounts of effluents or a significant increase in the amount of materials authorized to be used of a license for:

(i) The possession and use of special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride, pursuant to Part 70 of this chapter;

(ii) The possession and use of source material for uranium milling or production of uranium hexafluoride pursuant to Part 40 of this chapter;

(iii) Authorizing commercial radioactive waste disposal by land burial pursuant to Parts 30, 40, and/or 70 of this chapter.

(5) Renewal of licenses to conduct activities listed in paragraph (b)(4)(i) through (b)(4)(iii) of this section;

(6) Substantive and significant amendments of Parts 20, 30, 40, 50, 70, 71, 73, or 100 of this chapter;

(7) License amendments or orders authorizing the dismantling or decommissioning of nuclear power reactors, testing facilities, and fuel reprocessing plants;

(8) Termination of a license for the possession and use of source material for uranium milling at the request of the licensee.

(c)(1) The environmental impact of proposed licensing and regulatory actions listed in paragraph (b) of this section will be evaluated and if it is determined that an environmental impact statement should be prepared a notice of intent will be published in accordance with § 51.50(b) and draft and final environmental impact statements will be prepared. If it is determined that an environmental impact statement need not be prepared for an action listed in paragraph (b) of this section, a negative declaration and environmental impact appraisal will, unless otherwise determined by the Commission, be prepared in accordance with § 51.7.

(2) If, subsequent to the publication of a notice of intent concerning an action, it is determined that an environmental impact statement need not be prepared in connection with that action, or if it is determined that an environmental impact statement need not be prepared in connection with any action with respect to which the Council on Environmental Quality has requested that an environmental impact statement be prepared, a negative declaration and an environmental impact appraisal will be prepared in accordance with § 51.7.

(3) The Commission may require applicants for permits, licenses, and orders, and amendments thereto, and renewals thereof, and petitioners for rulemaking covered by paragraph (b) of this section to submit such information to the Commission as may be useful in aiding the Commission in the preparation of an environmental impact appraisal.

(d) Unless otherwise determined by the Commission, an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with the following types of actions:

(1) Issuance of notices and orders pursuant to Subpart B of Part 2 of this chapter;

(2) Amendments to Parts 2, 19, 51, 55, 140, 150, and 170 of this chapter;

(3) Non-substantive and insignificant amendments of Parts 20, 30, 40, 50, 70, 71, 73, or 100 of this chapter;

(4) Issuance of a materials license or amendment to a materials or facility license or permit or order other than those covered by paragraphs (a) and (b) of this section.

§ 51.6 Notice of intent.

When the Commission determines that an environmental impact statement will be prepared in connection with an action, a notice of intent will be published in accordance with § 51.50(b).

§ 51.7 Negative declarations; environmental impact appraisals.

(a) *Negative declarations.* The negative declaration required by § 51.5(c) will be prepared prior to the taking of the associated action and will state that the Commission has decided not to prepare an environmental impact statement for the particular action and that an environmental impact appraisal setting forth the basis for that determination is available for public inspection.

(b) *Environmental impact appraisals.* An environmental impact appraisal will be prepared in support of all negative declarations. The appraisal will include:

(1) A description of the proposed action;

(2) A summary description of the probable impacts of the proposed action on the environment; and

(3) The basis for the conclusion that no environmental impact statement need be prepared.

Subpart B—Facilities

§ 51.20 Applicant's Environmental Report—Construction Permit Stage.

(a) *Environmental considerations.* Each applicant [1] for a permit to construct a production or utilization facility covered by § 51.5(a) shall submit with its application a separate document, entitled "Applicant's Environmental Report—Construction Permit Stage," which contains a description of the proposed action, a statement of its purposes, and a description of the environment affected, and which discusses the following considerations:

(1) The probable impact of the proposed action on the environment;

(2) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments or resources which would be involved in the proposed action should it be implemented. The discussion of alternatives to the proposed action required by paragraph (a)(3) of this section shall be sufficiently complete to aid the Commission in developing and exploring, pursuant to section 102(2)(D) of NEPA, "appropriate alternatives * * * in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

(b) *Cost-benefit analysis.* The Environmental Report required by paragraph (a) of this section shall include a cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis shall, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they shall be discussed in qualitative terms. The Environmental Report should contain sufficient data to aid the Commission in its development of an independent cost-benefit analysis.

(c) *Status of compliance.* The Environmental Report required by paragraph (a) of this section shall include a discussion of the status of compliance of the facility with applicable environmental quality standards and requirements (including, but not limited to, applicable zoning and land-use regulations and thermal and other water pollution limitations or requirements promulgated or

[1] Where the "applicant", as used in this part, is a Federal agency, different arrangements for implementing NEPA may be made, pursuant to the Guidelines established by the Council on Environmental Quality.

imposed pursuant to the Federal Water Pollution Control Act) which have been imposed by Federal, State, regional, and local agencies having responsibility for environmental protection. The discussion of alternatives in the Report shall include a discussion whether the alternatives will comply with such applicable environmental quality standards and requirements. The environmental impact of the facility and alternatives shall be fully discussed with respect to matters covered by such standards and requirements irrespective of whether a certification or license from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 401 of the Federal Water Pollution Control Act [3]). Such discussion shall be reflected in the cost-benefit analysis prescribed in paragraph (b) of this section. While satisfaction of Commission standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis prescribed in paragraph (b) of this section shall, for the purposes of NEPA, consider the radiological effects, together with the other effects, of the facility and alternatives.

(d) *Number of copies.* Each applicant for a permit to construct a production or utilization facility covered by § 51.5(a) shall submit two hundred (200) copies of the Environmental Report required by paragraph (a) of this section.

§ 51.21 Applicant's Environmental Report—Operating License Stage.

Each applicant for a license to operate a production or utilization facility covered by § 51.5(a) shall submit with its application two hundred (200) copies of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same matters described in § 51.20 but only to the extent that they differ from those discussed in the final environmental impact statement prepared by the Commission in connection with the construction permit. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report or final environmental impact statement previously prepared in connection with the construction permit. With respect to the operation of nuclear reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full power, full term, operation of the facility.

Draft Environmental Impact Statements

§ 51.22 General.

The Director of Regulation or his designee will prepare a draft environmental impact statement for facility licensing actions covered by §§ 51.20 and 51.21 as soon as practicable after receipt of the Applicant's Environmental Report and publication of the notice of intent and availability of the report required by § 51.50.

§ 51.23 Contents of draft environmental statements.

(a) The draft environmental impact statement will include the matters specified in § 50.20(a) or § 50.21(a), as appropriate.

(b) The draft environmental impact statement will contain an analysis of any problems and objections raised by other Federal, State, and local agencies and by interested persons in the review process.

(c) The draft environmental impact statement will include a preliminary cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical, and other benefits of the facility. The cost-benefit analysis will, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they will be discussed in qualitative terms. The cost-benefit analysis will indicate what other interests and consideration of Federal policy are thought to offset any adverse environmental effects of the proposed action identified pursuant to paragraph (a) of this section. Due consideration will be given to compliance of the facility construction or operation and alternative construction and operation with environmental quality standards and requirements which have been imposed by Federal, State, regional, and local agencies having responsibility for environmental protection, including applicable zoning and land-use regulations and water pollution limitations or requirements promulgated or imposed pursuant to the Federal Water Pollution Control Act. The environmental impact of the facility will be considered in the cost-benefit analysis with respect to matters covered by such standards and requirements irrespective of whether a certification or license from the appropriate authority has been obtained, including any certification obtained pursuant to section 401 of the Federal Water Pollution Control Act. While satisfaction of Commission standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis will, for the purposes of NEPA, consider the radiological effects of the facility and alternatives.

(d) *Other considerations.* A draft environmental impact statement prepared in connection with the issuance of an operating license will cover only matters which differ from those discussed in the final environmental impact statement prepared in connection with the issuance of the construction permit and may incorporate by reference any information contained in that final environmental statement. With respect to the operation of nuclear reactors, unless otherwise determined by the Commission, the draft statement will be prepared only in connection with the first licensing action that authorizes full power, full term operation of the facility.

(e) The draft environmental impact statement normally will include a preliminary conclusion by the Director of Regulation or his designee, on the basis of the information and analysis described in paragraphs (a) through (d) of this section, as to whether, after weighing the costs and benefits of the proposed action and considering available alternatives, the action called for is issuance of the proposed permit or license with or without conditions, or denial of the permit or license. In appropriate circumstances the Director of Regulation or his designee may, in lieu of such preliminary conclusion, indicate in the draft statement that two or more alternatives are under consideration.

(f) The draft environmental impact statement will also contain a summary sheet prepared in accordance with Appendix I, Council on Environmental Quality Guidelines, 38 FR 20550.

§ 51.24 Distribution of draft environmental impact statement; new releases.

Draft environmental impact statements will be distributed as follows:

(a) Ten (10) copies of the draft environmental impact statement, the applicant's environmental report, and any comments received on the statement or report will be provided to the Council on Environmental Quality.

(b) One (1) copy of the draft environmental impact statement will be provided to the license or permit applicant;

(c) Copies of the draft statement and the applicant's environmental report will be provided to:

(1) Those Federal agencies that have special expertise or jurisdiction by law with respect to any environmental impacts involved and which are authorized to develop and enforce relevant environmental standards;

(2) The Environmental Protection Agency;

(3) The appropriate State and local agencies authorized to develop and enforce relevant environmental standards and the appropriate State, regional, and metropolitan clearinghouses.

(d) One (1) copy of the draft statement will be provided to those persons on the Commission's list to receive environmental impact statements in accordance with § 51.54(c) and other persons upon request to the extent available.

(e) News releases will be provided to the local newspapers and other appropriate media that state the availability for comment and place for obtaining or inspecting a draft statement and the applicant's environmental report.

(f) A notice will be published in the Federal Register in accordance with § 51.50(c).

[3] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 401 of the Federal Water Pollution Control Act has not been obtained.

§ 51.25 Requests for comments on draft environmental impact statements.

Draft environmental impact statements distributed in accordance with §§ 51.24(c) and 51.24(d) and news releases provided pursuant to § 51.24(e) will be accompanied by or include a request for comments on the proposed action and on the draft environmental impact statement within forty-five (45) days from the date of publication of a FEDERAL REGISTER notice by the Council on Environmental Quality announcing the availability of the draft statement, or within such longer period as the Commission may specify. If no comments are provided within the time specified, it will be presumed, unless the agency or person requests an extention of time, that the agency or person has no comment to make. The Commission will endeavor to comply with requests for extensions of time up to fifteen (15) days.

FINAL ENVIRONMENTAL IMPACT STATEMENTS

§ 51.26 Final environmental impact statements.

(a) After receipt of the comments requests pursuant to §§ 51.25 and 51.50(c) the Director of Regulation or his designee will prepare a final environmental impact statement in accordance with the requirements in § 51.23 for draft environmental impact statements. The final environmental statement will include a final cost-benefit analysis and a final conclusion as to the action called for.

(b) The final environmental impact statement will make a meaningful reference to the existence of any responsible opposing view not adequately discussed in the draft environmental statement, indicating the response to the issues raised. All substantive comments received on the draft (or summaries thereof where the response has been exceptionally voluminous) will be attached to the final statement, whether or not each such comment is individually discussed in the text of the statement.

(c) The final environmental impact statement will be distributed in the same manner as specified for draft environmental impact statements in § 51.24, except that in the case of Federal, State, and local agencies, other than the Environmental Protection Agency, and interested persons, only those who submitted comments on the draft environmental impact statement or environmental report or requested final statements will be sent a copy of the final statement. Where the number of comments on a draft environmental impact statement is such that distribution of the final statement to all commentators is impracticable, the Council on Environmental Quality will be consulted concerning alternative arrangements for distribution of the statement.

(d) The draft and final environmental impact statements and any comments received pursuant to this part will accompany the application through, and shall be considered in, the Commission's review processes.

Subpart C—Materials Licensing and Other Actions

§ 51.40 Environmental reports.

Applicants for permits, license, and orders, and amendments thereto and renewals thereof, and petitioners for rule making covered by § 51.5(a) shall submit two hundred (200) copies of an environmental report which discusses the matters described in § 51.20.

§ 51.41 Administrative procedures.

Except as the context may otherwise require, procedures and measures similar to those described in §§ 51.22 through 51.26 will be followed in proceedings for the issuance of materials licenses and other actions covered by § 51.5(a) but not covered by §§ 51.20 or 51.21. The procedures followed with respect to materials licenses will reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation.

Subpart D—Administrative Action and Authorization; Public Hearings and Comment

§ 51.50 Federal Register notices; distribution of reports; public announcements; public comment.

(a) *Notice of availability of environmental report.* After receipt of any applicant's environmental report, submitted in connection with a docketed application, a summary notice of availability of the report will be published in the FEDERAL REGISTER. The report will be placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in any public document room established by the Commission in the vicinity of the site of the proposed facility or licensed activity where a file of documents pertaining to such proposed facility or activity is maintained. The report will also be placed in State, regional, and metropolitan clearinghouses in the vicinity of the site of the proposed facility or licensed activity. In addition, a public announcement of the availability of the report will be made. Any comments by interested persons on the report will be considered by the Commission's regulatory staff, and there will be further opportunity for public comment on the draft environmental impact statement in accordance with §§ 51.25 and 51.41.

(b) *Notice of intent.* After making any determination that an environmental impact statement should be prepared in connection with an action, the Director of Regulation or his designee will cause to be published in the FEDERAL REGISTER a notice of intent that an environmental impact statement will be prepared. The notice will briefly describe the nature of the proposed agency action. The notice may be consolidated with the summary notice of the availability of the environmental report.

Copies will be forwarded to the appropriate Federal, State, and local agencies, the appropriate State, regional, and metropolitan clearinghouses and to interested persons upon request. A public announcement of the notice of intent will also be made.

(c) *Environmental impact statements.* (1) The Director of Regulation will forward copies of draft and final environmental impact statements to the Council on Environmental Quality in accordance with §§ 51.24, 51.26, and 51.41. The Council will publish weekly in the FEDERAL REGISTER lists of environmental impact statements received during the preceding week that are available for public comment. The date of publication of such lists shall be the date from which the minimum periods for comment on and advance availability of statements shall be calculated.

(2) Upon preparation of a draft environmental impact statement, the Commission will cause to be published in the FEDERAL REGISTER a summary notice of the availability of the statement. The summary notice will request, within forty-five (45) days from the date of publication of a FEDERAL REGISTER notice by the Council on Environmental Quality announcing the availability of the draft statement, or within such longer period as the Commission may specify, comment from interested persons on the proposed action and on the draft statement. The summary notice shall also contain a statement to the effect that the comments of Federal, State, and local agencies and interested persons thereon will be available when received.

(3) Upon preparation of a final environmental impact statement the Commission will cause to be published in the FEDERAL REGISTER a notice of availability of the statement.

§ 51.51 Administrative action.

To the maximum extent practicable, no permit, license, or order, or renewal of or amendment to a permit, license, or order, or effective regulation, for which an environmental impact statement is required will be issued until ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council on Environmental Quality, and made available to the public. Neither will such licenses, permit, orders, renewals, amendments, or regulations be issued until thirty (30) days after the final environmental impact statement (together with comments) has been furnished to the Council and commenting agencies, and made available to the public. If a final environmental impact statement is furnished and made available within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council, and made available to the public, the minimum thirty (30) day period and the ninety (90) day period may run concurrently to the extent they overlap.

§ 51.52 Public hearings.

(a) In any proceeding in which a draft environmental impact statement is prepared pursuant to this part, the draft environmental impact statement will be made available to the public at least fifteen (15) days prior to the time of any relevant hearing. At any such hearing,

the position of the Commission's regulatory staff will not be presented until the final environmental impact statement is furnished to the Council on Environmental Quality and commenting agencies and made available to the public. Any other party to the proceeding may present its case on NEPA matters as well as on radiological health and safety matters prior to the end of the fifteen (15) day period.

(b) (1) In a proceeding in which a hearing is held for the issuance of a permit, license, or order, or amendment to or renewal of a permit, license, or order, covered by § 51.5(a), and matters covered by this part are in issue, the regulatory staff will offer the final environmental impact statement in evidence. Any party to the proceeding may take a position and offer evidence on the aspects of the proposed action covered by NEPA and this part in accordance with the provisions of Subpart G of Part 2 of this chapter.

(2) In such a proceeding the presiding officer will decide those matters in controversy among the parties within the scope of NEPA and this part.

(3) In such a proceeding, an initial decision of the presiding officer may include findings and conclusions which affirm or modify the content of the final environmental impact statement prepared by the regulatory staff. To the extent that findings and conclusions different from those in the final environmental statement prepared by the regulatory staff are reached, the statement will be deemed modified to that extent and the initial decision will be distributed as provided in § 51.26(c). If the Commission or the Atomic Safety and Licensing Appeal Board in a final decision reaches conclusions different from the presiding officer with respect to such matters, the final environmental impact statement will be deemed modified to that extent and the decision will be similarly distributed.

(c) In addition to complying with applicable requirements of paragraphs (a) and (b) of this section, in a proceeding for the issuance of a construction permit for a nuclear power reactor, testing facility, or fuel reprocessing plant, the presiding officer will:

(1) Determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and this part have been complied with in the proceeding;

(2) Independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit with a view to determining the appropriate action to be taken; and

(3) Determine after weighing the environmental, economic, technical, and other benefits against environmental costs, and considering available alternatives whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

(4) Determine, in an uncontested proceeding, whether the NEPA review conducted by the Commission's regulatory staff has been adequate.

(5) Determine, in a contested proceeding, whether in accordance with this part the construction permit should be issued as proposed.

(d) In any proceeding in which a hearing is held for the issuance of a permit, license, or order, or amendment thereto or renewal thereof, where the Director of Regulation or his designee has determined that no environmental impact statement need be prepared for the particular action in question, any party to the proceeding may take a position and offer evidence on the aspects of the proposed action covered by NEPA and this part in accordance with the provisions of Subpart G of Part 2 of this chapter. In such proceedings, the presiding officer will decide any such matters in controversy among the parties.

§ 51.53 Hearings—Operating licenses.

(a) The presiding officer, during the course of a hearing on an application for an operating license covered by § 51.5(a), may authorize, pursuant to § 50.57(c) of Part 50 of this chapter, the loading of nuclear fuel in the reactor core and limited operation within the scope of § 50.57(c) of Part 50 of this chapter, upon compliance with the procedures described therein. In any such hearing, where any party opposes such authorization on the basis of matters covered by this part, the provisions of § 51.52(a) and (b), or (d) will apply, as appropriate.

§ 51.54 Required lists.

(a) *Environmental impact statements in preparation.* The Director of Regulation or his designee will maintain a list of actions for which environmental impact statements are being prepared and made the list available for public inspection on request. The lists will be revised and brought up to date every three (3) months. The list will be forwarded immediately after each revision to the Council on Environmental Quality for publication in the FEDERAL REGISTER.

(b) *Negative declarations and impact appraisals.* The Director of Regulation or his designee will maintain a list of negative declarations and impact appraisals. The list will be revised and brought up to date every three (3) months. The list will be forwarded immediately after each revision to the Council on Environmental Quality for publication in the FEDERAL REGISTER.

(c) *Interested groups.* The Director of Regulation or his designee will maintain a list of groups, including relevant conservation commissions, known to be interested in the Commission's licensing and regulatory activities and will notify such groups of the availability of a draft environmental impact statement as soon as it is prepared.

§ 51.55 Costs of materials distributed to public.

Applicant's Environmental Reports, draft and final environmental impact statements, negative declarations, and environmental impact appraisals will be made available to the public upon request without charge to the extent practicable notwithstanding the provisions of Part 9 of this chapter, or at a fee not exceeding the actual reproduction cost.

§ 51.56 Application of part to proceedings.

The provisions of this part are applicable to all draft and final environmental impact statements filed with the Council on Environmental Quality after January 28, 1974. Facility licensing proceedings in which notices of hearing were published in the FEDERAL REGISTER on or before January 28, 1974 shall be subject to the provisions of Appendix D of Part 50 of this chapter applicable to the proceeding in effect on January 28, 1974.

8. The references to "Appendix D of Part 50" in §§ 70.14(a), note 1, 70.12(f), and 70.23(a) of 10 CFR Part 70 would be amended to refer to "Part 51."

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201, sec. 102, 83 Stat. 853; 42 U.S.C. 4332.)

Dated at Germantown, Maryland, this 29th day of October 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-23297 Filed 10-31-73;8:45 am]

[10 CFR Part 11]

ENVIRONMENTAL IMPACT STATEMENTS

Policy and Procedures

Notice is hereby given that the General Manager of the U.S. Atomic Energy Commission (AEC) has proposed the following revised policies and procedures in implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190).

Written comments on these proposed revised policies and procedures will be received by the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before December 17, 1973.

The National Environmental Policy Act of 1969 (NEPA), implemented by Executive Order 11514 (E.O. 11514) dated March 5, 1970 (35 FR 4247), and the Guidelines of the Council on Environmental Quality (CEQ) of 1973 (Guidelines) requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and all other major Federal actions significantly affecting the quality of the human environment. In addition, section 309 of the Clean Air Act (CAA), as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment on any matter relating to EPA's authority contained in such proposed legislation or such other major Federal action. The Office of Management and Budget (OMB) Bulletin No. 72-6 of September 14, 1971, and OMB Circular No. A-95 (Revised) of February 9, 1971, provide guidance in connec-

tion with the evaluation, review, and coordination of Federal projects and activities.

The revised policies and procedures involve the discharge of AEC operational responsibilities with respect to NEPA, E.O. 11514, section 309 of the CAA, as amended, OMB Bulletin No. 72-6, Part II.2.3.(3) of OMB Circular No. A-95, and the CEQ Guidelines. These policies and procedures are applicable to all units and organizations reporting to or through the General Manager. They replace the policies and procedures which were published in the FEDERAL REGISTER on July 4, 1972 (37 FR 13160).

It is proposed that 10 CFR Part II be revised to read as follows:

PART 11—ENVIRONMENTAL STATEMENTS—OPERATIONS

Subpart A—General

Subpart B—Procedures

Subpart C—General Guidance for Content of Environmental Statements

AUTHORITY: Sec. 161, 68 Stat. 919 (42 U.S.C.A. 2201); sec. 102, 83 Stat. 853 (33 U.S.C.A. 4332).

Subpart A—General

§ 11.1 Purpose and policy.

(a) The National Environmental Policy Act of 1969 (NEPA), implemented by Executive Order 11514 (E.O. 11514) dated March 5, 1970 (35 FR 4247), and the Guidelines of the Council on Environmental Quality (CEQ) of August 1, 1973 (Guidelines) (38 FR 20550), require that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of NEPA is to build into the Federal agency decisionmaking process an appropriate and careful consideration of environmental aspects of proposed actions. In addition, section 309 of the Clean Air Act (CAA), as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment on any matter relating to EPA's authority contained in such proposed legislation or such other major Federal action. OMB Bulletin No. 72-6 of September 14, 1971, and OMB Circular No. A-95 (Revised) of February 9, 1971, provide guidance in connection with the evaluation, review and coordination of Federal projects and activities.

(b) This part establishes policy and procedure for discharging Atomic Energy Commission operational responsibilities with respect to NEPA, E.O. 11514, section 309 of the CAA, OMB Bulletin No. 72-6, OMB Circular No. A-95 (Revised) and the CEQ Guidelines, as they may be amended from time to time. This part is intended to provide guidance for:

(1) Identifying the agency environmental appraisal process, those AEC actions requiring environmental assessments and statements, and the appropriate time prior to agency decision for requisite Federal, State, local, and public consultation and review;

(2) Obtaining information to allow the potential environmental impact of budget decisions and proposed policy determinations, procedures, regulations and legislation to receive full consideration in the agency decisionmaking process;

(3) Obtaining information and internal AEC review required for the preparation of environmental assessments and statements;

(4) Designating the officials who are to be responsible for preparation, review and execution of environmental assessments and statements.

§ 11.3 Applicability.

(a) This part applies to all units and organizations of the AEC reporting to or through the General Manager (GM) of the AEC.

(b) This part applies to AEC operational actions and legislative proposals sponsored by the General Manager including those actions and proposals sponsored jointly with another agency. In this latter connection, if an environmental statement is to be prepared, the agencies involved should determine as early as possible their respective responsibilities in statement preparation and processing, including designation of a single agency to assume leadership responsibilities where appropriate. Where a lead agency prepares the statement, the other agencies involved are expected to provide assistance with respect to their areas of jurisdiction and expertise. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the anticipated environmental effects of the proposed action. Whether a statement is prepared by a lead agency or is prepared jointly by several agencies, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies.

(c) This part applies to incremental actions having a significant environmental effect even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970.

(d) The following actions are not subject to the requirements of this part:

(1) Administrative procurements (e.g., general supplies);

(2) Contracts for personal services;

(3) Personnel actions;

(4) Legislative proposals originating in another agency;

(5) Legislative proposals not relating to or affecting matters within AEC's primary areas of responsibility.

§ 11.5 Criteria for determining whether a "major Federal action will have a potential significant effect on the quality of the human environment."

(a) *General criteria.* (1) The CEQ Guidelines provide that the statutory clause "'major Federal actions significantly affecting the quality of the human environment' is to be construed * * * with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases."

(2) The CEQ Guidelines also provide that:

(i) Significant adverse effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term to the disadvantage of long-term, environmental goals.

(ii) Significant effects can * * * include actions which may have both beneficial and adverse effects, even if, on balance, the agency believes that the effect will be beneficial.

(iii) The words "major" and "significantly" are intended to imply thresholds of importance and impact that must be met before a statement is required. The action causing the impact must also be one where there is sufficient Federal control and responsibility to constitute "Federal action" in contrast to cases where such Federal control and responsibility are not present as, for example, when Federal funds are distributed in the form of general revenue sharing to be used by State and local governments.

(iv) The significance of a proposed action may also vary with the setting, with the result that an action that would have little impact in an urban area may be significant in a rural setting or vice versa. While a precise definition of environmental "significance" valid in all contexts, is not possible, effects to be considered in assessing significance include but are not limited to * * * air quality and air pol-

lution control; weather modification; energy development, conservation, generation, and transmission; toxic materials; pesticides; herbicides; transportation and handling of hazardous materials; esthetics; coastal areas; historic and archeological sites; flood plains and watersheds; mineral land reclamation; parks, forests, and outdoor recreation; soil and plant life, sedimentation, erosion, and hydrologic conditions; noise control and abatement; chemical contamination of food products; food additives and food sanitation; microbiological contamination; radiation and radiological health; sanitation and waste systems; shellfish sanitation; urban planning and congestion; rodent control; water quality and water pollution control; marine pollution; river and canal regulation and stream channelization; and wildlife preservation.

(v) The action must be one that significantly affects the quality of the human environment either by directly affecting human beings or by indirectly affecting human beings through adverse effects on the environment.

(3) "Major Federal actions" with respect to AEC operational activities should be categorized into two groups:

(i) *Proposals for legislation.* This involves recommendations or favorable reports relating to AEC's own legislative proposals, such as the annual omnibus legislative proposal and annual budget requests, (proposed line items, major General Plant Projects, major equipment items) and reports on legislation initiated in Congress where AEC would have primary responsibility for the subject matter of the legislation. (Impact statements on all such legislative proposals shall be prepared prior to submission of said proposals to OMB.)

(ii) *Other major Federal actions.* These are also described as "administrative actions" or "operational actions." Included in this category are new and continuing projects and program activities (A) directly undertaken by AEC; or (B) supported by AEC through contracts, grants, loans, or other forms of funding assistance; or (C) involving a Federal lease, permit, license, certificate, or other entitlement for use. Also included in this category are the development, establishment or modification of the General Manager's regulations, rules, procedures and policies.

(4) Environmental statements covering programs and sites.

(i) An environmental statement should be written if there is current major AEC involvement (through funding, personnel, or facilities) in the program which has or is likely to have a significant environmental impact. In the case of research and development programs, an environmental statement must be written late enough in the development process to contain meaningful information, but early enough so that whatever information is contained can be factored into the decisionmaking process before the development process has reached a stage of investment or commitment to implementation likely to determine subsequent development, foreclose or restrict later alternatives. Therefore, the following factors should be assessed and periodically reassessed (particularly when significant new information becomes available concerning the potential environmental impact of the program) to determine the appropriate point for preparation of the program statement:

(A) The magnitude of Federal investment in the program.

(B) The likelihood of widespread application of the technology.

(C) The degree of environmental impact which would occur in the event the technology were widely applied.

(D) The extent to which continued investment in the new technology is likely to foreclose or restrict future alternatives.

(ii) Where there are a number of proposed individual actions at a given site under AEC jurisdiction and either where one or more actions would have a potential significant environmental impact or where none viewed individually would have such an impact but where all viewed together would have such an impact, consideration should be given to the preparation of an environmental statement for that site.

(iii) Wherever incremental actions have potential significant environmental impacts that were not fully evaluated in the program or site statement, consideration should be given to preparation of a supplemental environmental statement for that incremental action.

(b) *Specific actions.* For AEC actions which involve the following, an environmental statement shall be prepared and made available as a matter of agency policy:

(1) New AEC-owned [1] Power and Production reactors.

(2) New AEC-owned [1] facilities for high-level nuclear waste storage.

(3) New AEC-owned [1] facilities for the reprocessing of spent nuclear fuel elements.

(4) Nuclear explosion tests of over one megaton conducted by AEC at the Nevada Test Site (including on-site Plowshare nuclear explosion experiments).

(5) Nuclear explosion tests conducted by AEC off the Nevada Test Site. One statement may cover Plowshare experiments or Plowshare demonstration tests involving several nuclear explosions in the same general area and time frame.

§ 11.7 Definitions.

(a) "Environmental Assessment" is an internal evaluation process to assure that environmental values are considered as early as possible in the decisionmaking process and to determine whether a proposed AEC action is expected to have a significant impact on the environment and therefore requires the preparation of an environmental statement. The environmental assessment should culminate in a brief written report of the same title which should: (1) Describe the proposed AEC action, the environment affected, and the anticipated benefits; (2) evaluate the potential environmental impact, including those adverse impacts which cannot be avoided should the proposal be implemented; (3) assess the alternatives to the proposed action and their potential environmental impact; (4) evaluate the cumulative and long-term environmental effects of the proposed action; (5) describe the irreversible and irretrievable commitments of resources involved in its implementation; (6) identify any known or potential conflicts with State, regional, or local plans and programs; (7) weigh and analyze the anticipated benefits against the environmental and other costs of the proposed action in a manner which reflects cost-benefit comparisons of reasonably available alternatives; and (8) recommend whether an environmental statement should be prepared.

(b) "Draft environmental statement" is a preliminary statement on the environmental impact of a proposed action which is circulated for review within and outside AEC.

(c) "Environmental statement" or "final environmental statement" is a detailed statement which pursuant to section 102(2)(C) of NEPA, identifies and analyzes the anticipated environmental impact of a proposed AEC action.

(d) "Negative declaration" is a document prepared subsequent to an environmental assessment, which states that a proposed AEC action has no potential significant environmental impact and therefore does not require an environmental statement, and states the reasons therefor.

(e) "Notice of intent" is a written announcement to appropriate Federal, State and local agencies, and to the public, that a draft environmental statement will be prepared.

(f) "Summary sheet" is a brief summary of the most significant aspects of an environmental statement. It is prepared in accordance with Appendix I hereto and accompanies each draft and final environmental statement.

Subpart B—Procedures

§ 11.21 Preparation of environmental assessments.

(a) Field Office Managers and Headquarters Division Directors are responsible for the preparation of an environmental assessment of all proposed line items, major General Plant Projects (GPP), major equipment items and other proposed major activities in connection with their budget submission and of new programs, and other proposed new projects or activities under their respective jurisdictions.

(b) Headquarters Division Directors are responsible for the review of their respective programs and for the preparation of an environmental assessment of proposed major incremental changes in continuing programs, projects or activities and of proposed major policy determinations, procedures, regulations, or legislation related thereto.

(c) The appropriate Field Office Manager or Headquarters Division Director is responsible for assuring that all those

[1] Owned by the United States with custody in the U.S. Atomic Energy Commission.

assisting in the preparation of the environmental assessment, including contractors and laboratories, as applicable, are fully cognizant of their respective functions.

(d) The Assistant General Manager for Biomedical and Environmental Research and Safety Programs (AGMERSP) may request the appropriate Field Office Manager or Headquarters Division Director to prepare an environmental assessment for any proposed AEC action.

§ 11.23 Submission of environmental assessments.

(a) Each environmental assessment for which Field Office Managers are responsible shall be submitted to the appropriate Headquarters Division Director having program or budgetary responsibility.

(b) A copy of each environmental assessment, including those prepared by Headquarters Division Directors, shall be transmitted by the appropriate Headquarters Division Director to the AGMBERSP.

§ 11.25 Review of environmental assessments and preparation of negative declarations.

(a) With respect to a proposed program, item, project, or activity which the appropriate Headquarters Division Director decides to support for inclusion in the AEC budget and with respect to any other proposed action for which an environmental assessment has been prepared, the Headquarters Division Director, in consultation with the AGMBERSP [2] and the Counsel, Environment and Safety, Office of the General Counsel (OGC), shall review the environmental assessment and recommend to the AGMBERSP whether any such proposed action has a potential significant effect on the quality of the human environment in accordance with § 11.5.

(b) If the AGMBERSP determines that a potential significant effect on the quality of the human environment is presented by a proposed action:

(1) For each proposed action involved in the budget process, the AGMBERSP shall forward immediately the environmental assessment to the Budget Review Committee (BRC), which shall transmit the environmental assessment to the GM along with its recommendation on whether the proposed action should be included in the AEC budget. With regard to proposed actions so recommended for inclusion and for such other proposed actions as the GM may direct, the AGMBERSP shall consolidate assessments for inclusion in the budget to the Commission. If the Commission approves the proposed action for inclusion in the budget, the AGMBERSP is responsible for transcribing the appropriate data from the environmental assessment onto a special summary statement for submission to OMB in accordance with OMB Bulletin 72-6 and the appropriate Headquarters Division Director is responsible for the preparation of a draft environmental statement and a summary sheet for the proposed action in accordance with § 11.27.

(2) For proposed actions not involved in the budget process, the appropriate Headquarters Division Director is responsible for the preparation of a draft environmental statement and a summary sheet.

(c) If the AGMBERSP determines that the proposed action presents no potential significant effect on the quality of the environment, he shall cause a negative declaration to be prepared. A copy of the negative declaration shall remain on file with the AGMBERSP and shall be made available for public inspection upon request.

§ 11.26 Notice of intent.

In order to assure that environmental values will be identified and weighed from the outset and therefore to assure the involvement of other agencies and the public as early as possible in the environmental assessment process, the AGMBERSP shall transmit to appropriate Federal, State and local agencies and shall cause to be published in the FEDERAL REGISTER a notice of intent to prepare an environmental statement as soon as is practicable after the determination is made to prepare such statement.

§ 11.27 Preparation of draft environmental statement.

(a) When a draft environmental statement and summary sheet are to be prepared, the appropriate Headquarters Division Director shall promptly initiate their preparation and develop a schedule to assure submission of the draft statement and summary sheet to the AGMBERSP as expeditiously as possible. Where the proposed action is involved in the budget process, the draft environmental statement and summary sheet shall be submitted to the AGMBERSP not later than October 1. The appropriate Headquarters Division Director is responsible for assuring that all those assisting in the preparation of the statement including Field Offices, contractors, and laboratories, as applicable, are fully cognizant of their respective functions.

(b) Draft environmental statements and summary sheets shall be prepared in accordance with the guidance of the AGMBERSP and OGC, and in consonance with the CEQ guidelines. In particular, draft environmental statements should:

(1) Indicate the underlying studies, reports, and other information obtained and considered and how such documents may be obtained.

(2) Identify and discuss all major points of view wherever possible.

(3) Indicate either compliance or noncompliance with applicable Federal or federally approved State standards of environmental quality, and in the case of noncompliance, explain why compliance cannot be achieved.

(4) Reflect an independent AEC evaluation of the environmental quality aspects of the proposed action.

(5) Fulfill and satisfy to the fullest extent possible the requirement for final environmental statements.

§ 11.28 List of administrative actions.

The AGMBERSP shall be responsible for the preparation and maintenance of a list of administrative actions for which environmental statements are being prepared. This list shall remain on file with the AGMBERSP and shall be available for public inspection upon request. This list shall be revised quarterly. A copy of the initial list and each revision shall be transmitted to CEQ.

§ 11.29 Internal review of draft environmental statements.

(a) As soon as practicable after the AGMBERSP receives the draft statement and summary sheet, he shall transmit a copy to OGC for review. The AGMBERSP and OGC shall be assisted in their review by an interdisciplinary committee, chaired by a representative of the AGMBERSP and composed of such representatives of Headquarters divisions and offices as the AGMBERSP deems appropriate.

(b) Upon completion of this review, the AGMBERSP shall prepare a report for review by the General Manager which shall:

(1) Set forth the basis on which it was determined that a potential significant environmental effect exists.

(2) Attach the draft environmental statement and summary sheet.

(3) Identity the Federal, State, and local agencies from which comments on the draft environmental statement are proposed to be solicited.

(4) Include a recommendation on whether a public hearing on the proposed action should be held.

(c) The General Manager's approval shall be required prior to the issuance of the draft environmental statement and summary sheet.

§ 11.31 External review of draft environmental statements.

(a) The AGMBERSP shall (1) make ten (10) copies of the draft environmental statement and summary sheet available to the CEQ, (2) inform the public of the availability of the draft environmental statement, and (3) solicit comments from appropriate Federal, State, and local agencies and the public in accordance with paragraph (b) of this section.

(b) Procedure for soliciting comments:

(1) Comments of Federal agencies shall be solicited by mailing the draft environmental statement to Federal agencies with special expertise or jurisdiction by law relevant to the statement.

(2) Comments of State and local agencies shall be solicited by mailing the draft environmental statement directly to State and local agencies with known responsibilities in environmental matters

[2] The AGMBERSP is authorized to delegate to or obtain assistance from any AEC unit or organiation reporting to or through the General Manager (GM) in carrying out the AGMBERSP's responsibilities under this Part.

and to the appropriate State, regional, and metropolitan clearinghouses unless the Governor of the appropriate State has designated some other point for obtaining this review.

(3) Information on the public availability of draft environmental statements shall be provided through notice in the FEDERAL REGISTER and by arranging for the availability of the statement at appropriate AEC offices and at appropriate State, regional and metropolitan clearinghouses as listed in the FEDERAL REGISTER notice and public knowledge of its availability through local news media when practicable. The FEDERAL REGISTER notice shall specify the appropriate comment period in accordance with paragraph (c) of this section.

(4) Copies of the draft environmental statements will also be made available for comment to organizations and individuals that have expressed an interest in the action or requested an opportunity to comment.

(c) Comment period (except as may be modified in accordance with the CEQ guidelines):

Comments on the draft environmental statement from Federal, State, and local agencies shall be considered in the final environmental statement if received by the AGMBERSP within forty-five (45) calendar days from the date the statement is received by CEQ. Comments from members of the public shall be considered if received by the AGMBERSP within forty-five (45) calendar days from the date of publication of the notice of the availability of the draft statement in the FEDERAL REGISTER. The forty-five (45) calendar day comment period will be used unless a longer period of time is specified in the notice of intent covering the proposed action. The AGMBERSP upon request may grant extensions for comment for a period not to exceed fifteen (15) calendar days. In determining the appropriate period for comment or in acting upon an extension request, consideration will be given to the magnitude and complexity of the statement and the extent of public interest in the proposed action. Where no time extension has been requested and granted, it shall be presumed that no comment is to be made.

§ 11.33 Public hearings.

(a) A public hearing on a proposed action covered by a draft environmental statement shall be held when the Commission upon recommendation by the General Manager determines that a public hearing would be appropriate and in the public interest. In deciding whether a public hearing would be appropriate and in the public interest, the Commission shall consider, among other things: (1) The magnitude of the proposed action in terms of economic costs, the geographic area involved, and the uniqueness or size of the commitment of the resources involved; (2) the degree of interest in the proposed action, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held; (3) the complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under NEPA; and the extent to which public involvement already has been achieved through the means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

(b) If it is determined as set forth in paragraph (a) of this section that a public hearing is to be held, the General Manager will cause to be issued a notice in the FEDERAL REGISTER at least fifteen (15) calendar days prior to the time of such hearing: (1) Identifying the subject matter of the hearing; (2) announcing the date, time, and place of such hearing and the procedures to be followed; and (3) indicating the availability of the draft environmental statement and other data, as he determines appropriate, for public inspection at one or more locations in the area in which the proposed action will be located.

§ 11.35 Preparation of final environmental statements.

(a) As soon as practicable after the expiration of the period for comments, the appropriate Headquarters Division Director shall prepare a final environmental statement and summary sheet taking into account all comments received during the comment period.

(b) The last section of the final environmental statement should summarize the comments received and should describe the disposition of issues identified in the comments as more fully discussed in § 11.55(c)(10).

(c) The final environmental statement and summary sheet shall be submitted by the appropriate Headquarters Division Director to the AGMBERSP.

§ 11.37 Internal review of final environmental statements.

(a) The AGMBERSP shall transmit a copy of the final environmental statement and summary sheet to OGC for review. The AGMBERSP and OGC should be assisted in their review by an interdisciplinary committee, chaired by a representative of the AGMBERSP and composed of such representatives of Headquarters divisions and offices as the AGMBERSP deems appropriate.

(b) Upon completion of this review, the AGMBERSP shall transmit the final environmental statement and summary sheet through the General Manager to the Commission for approval.

(c) Upon General Manager and Commission approval, the General Manager shall sign the final environmental statement as the responsible agency official.

§ 11.39 Availability of final environmental statements.

(a) The AGMBERSP shall distribute the final environmental statement, summary sheet and all substantive comments received to CEQ, EPA and all Federal, State and local agencies and others who submitted timely substantive comments on the draft environmental statement.

(b) The AGMBERSP shall (1) provide notice of the availability of copies of the final environmental statement, summary sheet and substantive comments received, in the FEDERAL REGISTER and (2) make a copy of these documents available upon request.

§ 11.40 Amendments or supplements to environmental statements.

(a) Where it is determined by the appropriate Headquarters Division Director after consultation with the AGMBERSP and OGC, that as a result of substantial changes in the proposed action, availability of additional information or any other reason, it may be appropriate to amend or supplement either a draft or final environmental statement, he shall assume responsibility for its preparation in accordance with the guidance of the AGMBERSP and OGC.

(b) The AGMBERSP shall determine, after consultation with OGC and CEQ, whether the statement should be recirculated for comment.

§ 11.41 Timing for proposed AEC actions.

Unless approval is given by the General Manager after consultation with OGC and CEQ, no AEC action subject to this part and covered by an environmental statement shall be taken sooner than ninety (90) calendar days after a draft environmental statement has been circulated for comment, furnished to CEQ, and made public or sooner than thirty (30) calendar days after the final environmental statement has been made available to CEQ, commenting agencies, and the public. If the final environmental statement is filed within ninety (90) calendar days after the draft environmental statement has been circulated and made public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

Subpart C—General Guidance for Content of Environmental Statements

§ 11.51 Cover sheet.

The cover sheet shall indicate the type of statement (draft or final), the official project title, the date of statement availability the agency and the signature of the responsible official (final).

§ 11.53 Summary sheet.

The summary sheet shall conform to the format prescribed in Appendix I of the CEQ Guidelines.

§ 11.55 Body of statement.

(a) Each environmental statement should be prepared in accordance with the precept in section 102(2)(C) of the National Environmental Policy Act of 1969 that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." The statement should be an objective and meaningful evaluation of actions and their reasonable alternatives in light of all environmental con-

siderations. The presentation should be simple and concise, including or referencing relevant data, information, and analyses necessary to permit evaluation and appraisal of the anticipated benefits and the environmental effects of the proposed AEC action and its reasonable alternatives. Underlying studies, reports and other information obtained and considered in preparing the statement should be identified at appropriate points in the text. Highly technical and specialized analyses and data should be avoided in the text but should be attached as appendices or footnoted with adequate references. Where there are references to documents not likely to be easily accessible, such as internal studies or reports, the statement should indicate how such information may be obtained. Many evaluations of environmental impact will involve measurements, analyses, calculations, and design drawings much too voluminous to be included in an environmental statement of workable length. In these cases, it will not be possible for the reader to make a completely independent evaluation of environmental impact from the statement itself. However, it should be possible for the reader to understand, from the text combined with the references, the types of impact which have been considered, the general methods of evaluation used and the types of data behind them, and the conclusions reached.

(b) Opposing views should be discussed or referred to wherever appropriate. Statements should not be drafted in a style which requires extensive scientific or technical expertise to comprehend.

(c) Each statement ordinarily shall contain the following sections:

(1) *Summary.* This section should briefly and concisely summarize the information set forth in each of the other sections of the environmental statement.

(2) *Background*—(i) *Detailed description.* This subsection should fully describe the proposed action. Figures, maps, tables, and pictures should be included, as appropriate. Among those factors to be considered in preparing this subsection are location and duration of proposed action; major objective(s) sought; background information necessary to place the proposed action in proper perspective; its relationship to other projects and proposals, including those of other government and private organizations; and overall physical description, emphasizing features with environmental significance and controls taken to assure adequate design and function and minimum adverse environmental impact.

(ii) *Anticipated benefits.* This subsection should fully describe and analyze the need for the proposed action. In so doing, it should document the full range of benefits—technological, economic, political, environmental, social, etc.—expected to be derived from the proposed action.

(iii) *Characterization of the existing environment.* This subsection should fully describe the environmental features of the area in which the proposed action will be involved with emphasis on those features, beneficial as well as adverse, that specifically relate to the proposed action. The amount of detail provided should be commensurate with the extent of the expected impact of the action, and with the amount of information required at the particular level of decisionmaking (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental appraisals, site visits should be made where feasible. Wherever appropriate, an identification should be made of population and growth characteristics of the affected area, and of the population and growth assumptions involved in the proposed action or utilized to determine secondary population and growth impacts resulting from the proposed action and its alternatives. Consideration should be given to using the rates of growth in the region of the proposed action contained in the projection compiled for the Water Resources Council by the Office of Business Economics of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection). Sources of all data used should be identified.

(3) *Environmental impact.* This section should fully assess the probable environmental impact of the proposed action on those environmental features characterized in subsection II.C. In so doing, it should describe those effects on the environment, beneficial as well as adverse, which could be caused by the proposed action, evaluate the magnitude and importance of each such effect, and identify the time frames in which these effects are anticipated. It should also describe the measures which will be taken to prevent, eliminate, reduce, or compensate for any environmentally detrimental aspects of the proposed action. This section should access the probable primary (direct) as well as secondary (indirect) environmental consequences of the proposed action. In this context, "secondary" consequences refer to associated investments and changed patterns of social and economic activities likely to be stimulated or induced by the proposed action. Such secondary effects, through their impacts on existing community facilities and activities and through inducing new facilities and activities, or through changes in natural conditions, may often be more substantial than the primary effects of the proposed action. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated if expected to be significant (using data identified as indicated in paragraph (c)(2)(iii) of this section), and an assessment made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(4) *Unavoidable adverse environmental effects.* This section should summarize these adverse effects on the environment discussed in paragraph III of this section, which probably would be caused by the proposed action and which probably cannot be avoided if the action is implemented. It should indicate the magnitude and importance of each such effect. Included should be a clear statement of how other adverse effects discussed in paragraph III will be mitigated to prevent apparent unavoidable consequences.

(5) *Alternatives.* This section should assess the full range of reasonable alternatives to the proposed action and their environmental impact. In particuar, alternatives specifically formulated with environmental quality objectives in mind should be discussed, e.g., pollution control equipment on a nuclear plant. The specific alternative of taking no action always should be evaluated. Examples of other alternatives include: the alternative of postponing action pending furthe study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental mpacts; alternatives related to different designs or details of the proposed action which would present different environmental impacts, and alternatives to provide for compensation of fish and wildlife loss, including the acquisition of land, waters, and interests therein. In each case, the analysis should be sufficiently detailed to permit comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative. Such evaluation should be made in section (9), Cost-benefit analysis, of the environmental statement. (Where an existinug impact statement already contains such an analysis, its treatment of alternatives may be incorporated provided that such treatment is current and relevant.) The assessment of alternatives should not be limited to measures which the agency has authority to adopt but should include a meaningful discussion of all reasonable alternatives to the proposed action. A more detailed analysis should be made of the environmental impact of alternatives within the same time frame of the proposed action than for those alternatives within different time frames.

(6) *Relationship between short-term uses and long-term productivity.* This section should fully assess the cumulative and long-term environmental effects of the proposed action from the perspective that each generation is trustee of the environment for succeeding generations This involves consideration of the present condition and use of the site of the proposed action, its use if the proposed action is implemented, and the longer-term prospects for other uses. A brief assessment should be made of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options. In this context

short-term and long-term do not refer to any fixed periods but should be viewed in terms of the environmentally significant consequences of the proposed action.

(7) *Relationship of proposed action to land use plans, policies and controls.* This section should fully discuss how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls, if any, for the affected area. Where a conflict exists this section should describe the extent to which the proposed action has been reconciled in the plan, policy, or control and the reasons why the proposed action should be implemented notwithstanding the absence of full reconciliation.

(8) *Irreversable and irretrievable commitments of resources.* This section should identify from the survey of unavoidable impacts in paragraph (c)(4) of this section the extent to which the proposed action would irreversibly curtail the diversity and range of potential uses of the environment. In this context "resources" means labor and materials devoted to the proposed action as well as natural and cultural resources committed to loss or destruction by the action.

(9) *Cost-benefit analysis.* This section should present an analysis which considers and balances the environmental and other costs of the proposed action and the alternatives reasonably available for reducing or avoiding adverse environmental effects (even at the expense of reduced project objectives) as well as the environmental, economic, technical, and other benefits of the proposed action. In this connection, the analysis should indicate the extent these benefits could be realized by following reasonable alternatives that would avoid some or all of the adverse environmental effects of the proposed action. The analysis should, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they should be discussed in qualitative terms. In any event, the analysis should be sufficiently detailed and rigorous to permit independent evaluation of the benefits and environmental risks of both the proposed action and each alternative, so that an informed judgment may be made about the wisdom of undertaking the proposed action rather than one of the alternatives (including the alternative of no action). On the basis of the foregoing, the statement should contain a conclusion as to whether, after weighing the environmental, economic, technical, and other benefits against the environmental, economic, technical, and other costs and after considering the reasonably available alternatives and their benefits and costs, the proposed action should be taken.

(10) *A discussion of substantive comments made by other Federal, State, and local agencies and by private organizations and individuals in the review process.* This section, to be included in the final statement, should summarize the substantive comments made by reviewing organizations and persons and should describe the disposition of issues surfaced. In particular, this section should address in detail the major issues raised when the Agency position is at variance with recommendations and objections and should explain the reasons specific comments could not be accepted. All substantive comments received on the draft should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in this section or elsewhere in the text of the statement.

Dated this 30th day of October 1973.

R. E. HOLLINGSWORTH,
General Manager.

[FR Doc.73-23360 Filed 10-31-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 33, Notice 73-9, Order No. 5610.1-B]

Procedures for Considering Environmental Impacts

Pursuant to guidelines of the Council on Environmental Quality ("CEQ") appearing as 40 CFR Part 1500, published in the FEDERAL REGISTER of August 1, 1973, (38 FR 20549), the Department of Transportation herewith publishes its proposed procedures for consideration of environmental impacts required by section 102(2)(C) of the National Environmental Policy Act of 1969 ("NEPA") (January 1, 1970, Public Law 91-190, § 102(2)(C), 83 Stat. 853; 42 U.S.C. 4332(2)(C)).

The proposed procedures are in the form of an internal directive, Department of Transportation ("DOT") Order 5610.1B, "Procedures for Considering Environmental Impacts," replacing DOT Order 5610.1A, dated October 4, 1971, of the same title.

In addition to NEPA, which has applicability to all agencies of the Federal Government, other laws require that the Department of Transportation consider environmental and other effects of various actions taken by the Department. These laws are:

1. Section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)) and 23 U.S.C. 138, requiring protection of publicly-owned land from a public park, recreation area, or wildlife and waterfowl refuge of National, State, or local significance.

2. Section 16(c)(1)(A) of the Airport and Airway Development Act of 1970 ("Airport Act") (49 U.S.C. 1716(c)(1)(A)), requiring that airport development projects be reasonably consistent with plans for development of the area in which the airport is located.

3. Section 16(c)(3) of the Airport Act (49 U.S.C. 1716(c)(3)), requiring consideration of the interest of communities in or near which airport development projects are proposed.

4. Section 16(c)(4) of the Airport Act (49 U.S.C. 1716(c)(4)), requiring that major airport development projects protect the natural resources and environmental quality of the Nation.

5. Section 16(d) of the Airport Act (49 U.S.C. 1716(d)), requiring public hearings for consideration of the economic, social, and environmental effects of airport development projects, and for certain other purposes.

6. Section 16(e) of the Airport Act (49 U.S.C. 1716(e)), requiring that airport development projects comply with applicable air and water quality standards.

7. 23 U.S.C. 109(i), requiring standards for highway noise levels.

8. 23 U.S.C. 109(j), requiring that highways be consistent with approved plans for implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.

9. Section 309 of the Clean Air Act (42 U.S.C. 1857h-7), providing for review and comment by the Administrator of the Environmental Protection Agency on matters under his jurisdiction affected by certain categories of actions proposed by other Federal agencies.

10. Section 14 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1610), requiring generally that mass transportation projects protect the environment.

11. Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), requiring consideration of the effect of the proposed action on any building, etc., included in the National Register and reasonable opportunity for the Advisory Council on Historic Preservation to comment on such action.

12. Executive Order 11593 (36 FR 8921), requiring that Federal plans and programs contribute to the preservation and enhancement of sites, etc., of historical, architectural, and archaeological significance.

13. Executive Order 11296 (31 FR 10663), requiring agency evaluation of flood hazards in planning of facilities, disposal of lands and properties, and land use planning.

14. Section 303 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1452), stating National policy of preservation, protection, development, and where possible, restoration or enhancement of the resources of the Nation's coastal zone.

15. Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456), requiring that all Federal actions be consistent with State coastal zone management programs.

16. Section 2 of the Water Bank Act (16 U.S.C. 1301), declaring that it is in the public interest to preserve, restore, and improve the wetlands of the Nation.

17. Section 2 of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 662), requiring that any agency proposing to control or modify the waters of any stream or other body of water first consult with the Fish and Wildlife Service, Department of the Interior, and with the head of the agency administering the wildlife resources of the State wherein the facility is to be constructed; and the reports and recommendations of the Secretary of the Interior and other pertinent officials be included in the report submitted by the agency proposing the action to the agency whose approval of such action must be had.

The procedures set forth in DOT Order 5610.1B utilize the environmental impact statement, in those instances required by NEPA, as the vehicle by which the Department of Transportation makes the findings, determinations, and clearances required by the laws enumerated above.

In consideration of the foregoing, the Department proposes to issue DOT Order 5610.1B, "Procedures for Considering Environmental Impacts," as set forth below.

Before taking final action to issue the proposed procedures the Department will consider the timely comments of all interested parties. Comments should identify the docket or notice number (see above) and be submitted in writing to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. Comments received on or before December 16, 1973, will be considered before final action is taken. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Regulation, Room 10100, Nassif Building, 400 Seventh Street SW., Washington, D.C., between 9 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

It should also be noted that, apart from changes pursuant to the CEQ guidelines, the proposed DOT order (particularly section 10(d))—

(1) presupposes a delegation of certain authority under section 4(f) of the Department of Transportation Act, 49 USC 1653(f); 23 U.S.C. 138; and section 16 of the Airport and Airway Development Act of 1970, 49 USC 1716; and

(2) effects a partial reassignment of the Departmental function of approving final environmental impact statements.

The Department has had these matters under study together for some time. The former contemplates a change in the Department's regulations which we intend to publish shortly, accompanied by an explanatory preamble.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*; Executive Order 11514, 35 FR 4247; 40 CFR Part 1500.)

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

JOHN W. BARNUM,
Acting Secretary of Transportation.

PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

1. *Purpose.* This order establishes procedures for consideration of environmental impacts through preparation and use in decision making of detailed environmental impact statements. Where required, these statements serve as the single vehicle for all environmental findings, determinations, and clearances on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

2. *Cancellation.* DOT 5610.1A, Procedures for Considering Environmental Impacts, of 10-4-71.

3. *Authority.* This order provides instructions for implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law ["P.L."] 91-190) (hereinafter "NEPA"); section 2(b) and section 4(f) of the Department of Transportation Act of 1966 (P.L. 89-670) (hereinafter "the DOT Act"); section 309 of the Clean Air Act of 1970 (P.L. 91-604) (hereinafter "the Clean Air Act"); section 106 of the National Historic Preservation Act of 1966 (P.L. 89-665) (hereinafter "the Historic

Preservation Act"); sections 303 and 307 of the Coastal Zone Management Act of 1972 (P.L. 92-583); section 662 of the Fish and Wildlife Coordination Act (P.L. 85-624); and various Executive Orders (E.O.) relating to environmental impacts. In addition, the Order provides instructions for implementing, where environmental statements are required, sections 138 and 109 of Federal-aid highway legislation (Title 23, United States Code ["U.S.C."]) (hereinafter "the Highway Act"), sections 16 and 18(4) of the Airport and Airway Development Act of 1970 (P.L. 91-258) (hereafter "the Airport Act"), and section 14 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) (hereinafter "the Mass Transportation Act").

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1. *Intent.* Officials of the Department of Transportation (hereinafter "DOT" or "the Department") must comply with both the procedures and the intent of the National Environmental Policy Act of 1969 ("NEPA"). The purpose of the environmental assessment and consultation process is to provide Departmental officials and other decision makers, as well as members of the public, with an understanding of the potential environmental effects of proposed actions significantly affecting the quality of the human environment; to avoid or minimize adverse effects wherever possible; to restore or enhance environmental quality to the fullest extent practicable; to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites; and to preserve, restore, and improve wetlands. The environmental impact statement process should be used to explore alternative actions that will avoid or minimize adverse impacts and to evaluate both the long and short term implications to man, his physical and social surroundings and to nature. Environmental assessments should be considered along with assessments of economic, technical, and other benefits and should use all practical means, consistent with other essential considerations of national policy, to avoid or minimize undesirable consequence to the environment, and to improve and coordinate plans, functions, programs, and resources so that the Department may carry out the policies set forth in section 101(b) of NEPA. These purposes supplement existing Departmental policies and missions in light of national environmental objectives. The environmental statement should reflect a thorough review of and hard look at all relevant environmental factors and serve as the record of compliance with the policy, as well as the procedures of NEPA.

2. *Background.* a. NEPA establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of a Council on Environmental Quality (hereinafter "CEQ"). NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. Section 102(2)(C) requires that all agencies of the Federal Government shall

"Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

c. Section 102(2)(A) of NEPA provides that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

d. Executive Order 11514, dated March 4, 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

e. Guidelines from the President's Council on Environmental Quality, published in 38 F.R. 20549, 40 C.F.R. 1500 et seq., August 1, 1973, provide guidance to agencies for preparation of environmental impact statements.

f. DOT N 1100.37, Realignment of Functions Within the Office of the Secretary, of 2-5-73, transferred to the Assistant Secretary for Environment, Safety, and Consumer Affairs (hereinafter "TES") the responsibility for environmental matters formerly vested in the Assistant Secretary for Environment and Urban Systems. These responsibilities include overseeing the Department's response to NEPA, in terms of both policies and procedures, in cooperation with the General Counsel (hereinafter "TGC").

g. Section 4(f) of the DOT Act and section 138 of the Highway Act state, "It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary . . . shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

h. Section 16(c)(1)(A) of the Airport Act provides that an airport development project may be approved only if the Secretary is satisfied that the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for development of the area in which the airport is located.

i. Section 16(c)(3) of the Airport Act requires consideration of the interests of

communities in or near which airport development projects are proposed.

j. Section 16(c)(4) of the Airport Act directs that no major airport development project shall be authorized for receipt of Federal financial aid unless that project provides for the protection and enhancement of the natural resources and the quality of environment of the nation; and further, that no project found to have an adverse effect shall be authorized unless the Secretary finds in writing, after full and complete review, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

k. Section 16(d) of the Airport Act establishes a requirement for the opportunity for a public hearing for consideration of economic, social, and environmental effects of airport projects, and for certain other purposes, and section 16(e) of the Airport Act provides for assurances that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards.

l. Section 18(4) of the Airport Act provides for assurances that "appropriate action, including adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

m. Section 109(i) of the Highway Act provides for the Secretary to develop and promulgate standards for highway noise levels compatible with different land uses and not to approve plans and specifications for certain projects unless he determines that the plans and specifications include adequate measures to implement the standards.

n. Section 109(j) of the Highway Act directs the Secretary, in consultation with the Environmental Protection Agency, to develop and promulgate guidelines to assure consistency of highways with approved plans for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.

o. Section 309 of the Clean Air Act provides for the Administrator of the Environmental Protection Agency to review and comment on matters relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of P.L. 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government.

p. Section 14 of the Mass Transportation Act provides that the Secretary shall review each transcript to assure that the project application includes a detailed statement on (1) the environmental impact of the proposed project, (2) any adverse environmental effects which cannot be avoided should the proposal be implemented, (3) alternatives to the proposed project, and (4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented, and finds after full and complete review of any hearing that (a) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (b) either no adverse environmental effect is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect.

q. Section 106 of the Historic Preservation Act requires that, prior to approval of Federal activities, departments shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register, and give the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

r. Executive Order 11593 requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, or archaeological significance.

s. Executive Order 11296 provides for agency evaluation of flood hazards in planning of facilities, construction of buildings and facilities, disposal of lands and properties, and land use planning.

t. Section 303 of the Coastal Zone Management Act of 1972 states that ". . . it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone . . ."; additionally, section 307 requires all Federal actions to be consistent with State coastal zone management programs.

u. Section 2 of the Water Bank Act (16 U.S.C. 1301) declares that ". . . it is in the public interest to preserve, restore, and improve the wetlands of the Nation. . . ."

v. Section 2 of the Fish and Wildlife Coordination Act, as amended, (16 U.S.C. 662) requires that "whenever the waters of any stream or other body of water are proposed or authorized to be . . . controlled or modified for any purpose whatever . . . by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency shall first consult with the United States Fish and Wildlife Service, Department of Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the . . . facility is to be constructed. . . ." In addition, it is required that the reports and recommendations of the Secretary of Interior and any other applicable officials be included in the report prepared or submitted by the agency proposing the action to the agency in whose jurisdiction approval or disapproval of such action falls.

3. *Areas of responsibility.* a. Except as provided in subparagraph b. below, the requirements in this Order calling for either a negative declaration or a statement pursuant to section 102(2)(C) of NEPA apply to, but are not limited to, the following: all grants, loans, contracts, purchases, leases, construction, research activities, rulemaking and regulatory actions, certifications, licensing, permits, plans (both internal DOT plans and external plans, such as the annual work programs submitted to the National Highway Traffic Safety Administration), formal approvals (e.g., of non-Federal work plans), legislative proposals by DOT or where the Department has primary responsibility for the subject matter involved, directives, program proposals, and any renewals or reapprovals of the foregoing.

b. Exceptions to the foregoing include:

(1) Assistance in the form of general revenue sharing with no Departmental control over the subsequent use of such funds;

(2) Administrative procurements (e.g., general supplies) and contracts for personal services;

(3) Normal personnel actions (e.g., promotions, hirings);

(4) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(5) Legislative proposals *not* originating in DOT *and* relating to matters *not* the primary responsibility of DOT; and

(6) In addition to the exceptions noted in subparagraphs (1)–(5) above, the implementing instructions called for by paragraph 5 below may provide for additional exceptions on specific types or categories of actions carried out by the operating administrations in which there will be no potential significant environmental effect.

c. A general class of actions may be covered by a single statement when the environmental impacts (and alternatives thereto) of all such actions are substantially similar.

4. *Guidelines.* These are set forth in Attachment 1. Operating administrations may wish to set forth more explicit definitions with respect to their programs in their implementing instructions.

5. *Implementing instructions.* a. Pursuant to the revised CEQ guidelines, implementing instructions are to be published in the FEDERAL REGISTER no later than October 30, 1973. Prior to publication, each operating administration will submit to TES for review, consultation with CEQ, and concurrence, draft revised internal instructions or other appropriate regulations to implement this order, or draft revisions of existing instructions. Further substantial revisions of instructions should be proposed and adopted in accordance with the procedures of this paragraph 5.

b. These internal instructions will incorporate the main points in this order (or include it as an attachment), and provide for further specificity and applicability to the programs of the operating administrations. This will include identification of what should be considered "programs", "projects", or "actions" for purposes of 102(2)(C) statements, the time prior to decision for required consultations, and the review processes for which environmental statements are to be available.

c. Following TES concurrence in the draft internal instructions of each operating administration, the operating administrations will take any steps necessary to comply with applicable requirements of the Administrative Procedure Act (5 U.S.C. Sections 551 et seq.) and OMB Circular A–85.

d. After concurrence by TES, proposed administration revisions shall be published in the FEDERAL REGISTER, allowing a minimum of 45 days for public comment, followed by publication of final procedures (after TES concurrence) no later than 45 days after the conclusion of the comment period.

e. Pending finalization of the implementing instructions, the operating administrations will begin implementation of the procedures in this Order to the extent possible.

6. *Citizen involvement procedures.* Citizen involvement in environmental aspects of Departmental actions is encouraged at each pertinent stage of the development of the proposed action. Formal and informal citizen input should be sought as early as possible. Attempts to solicit the views of the public through hearings, personal contact, press releases, maintaining mailing lists of interested parties, and other methods should be utilized. Interested parties include community, environmental, and conservation organizations or individuals affected by or known to have an interest in the project, or who can speak knowledgeably of the environmental impact of the proposed action. Administrations should develop lists of interested parties at various levels (i.e., national, State, and local). A summary of citizen involvement and any environmental issues raised should be documented in the environmental statement.

a. Planning stage criteria for citizen involvement and identification of social, economic, and environmental impacts in Departmental planning programs are set forth in DOT 1130.2, Annual Unified Work Programs for Intermodal Planning, of 3–16–73.

b. Early notifications of preparation of environmental statements should be sent to interested parties and to Federal, State, or local agencies to solicit comments that may be helpful in preparing the draft statement.

(1) Under OMB Circular A–95 and DOT 4600.4A, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 6–14–72, clearinghouses are to be notified of intention to apply for Federal program assistance. The notification is the obligation of the grant applicant and includes the nature and extent of environmental impact anticipated and whether or not an environmental impact statement is required. This notification may be sent to interested parties and agencies, as well as clearinghouses, to comply with the early notification requirement.

(2) For actions other than those where agencies send early notifications under (1) above, administrations' procedures should include an early notice system for informing the public of the decisions to prepare a statement.

c. Copies of the draft environmental impact statement should be sent to interested parties along with circulation to Federal, State, and local agencies. The availability of the statement should be made known to appropriate interested parties, advertised in local papers, etc. (See also Paragraph 13e, regarding availability of statements.)

d. Hearings:

(1) For any action involving a public hearing, the draft statement or environmental analysis should be made available to the public at least 30 days prior to the hearing. The notice of the hearing should be announced through newspaper articles, direct notification to interested parties and clearinghouses, etc., and should note the availability of environmental impact statements or analyses.

(2) Even where not required, a hearing may help resolve environmental conflicts. In deciding whether a public hearing is appropriate, officials should consider:

(a) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(b) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(c) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under NEPA and the other applicable acts; and

(d) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

e. Each administration and Secretarial Office shall maintain a list of its actions for which environmental statements are being prepared and make the list available to the public upon request. Each administration and Secretarial Office shall submit a current list to TES and CEQ not less than quarterly, and make it available to the public upon request.

7. *Planning stage.* Initial assessment of environmental impacts of proposed activities should be undertaken concurrently with initial technical and economic studies. General criteria for identification of social, economic, and environmental impacts in Departmental planning programs are set forth in DOT 1130.2, Annual Work Programs In Intermodal Planning, of 3–16–73.

8. *Research activities.* Guidance for Departmental officials engaged in major research and development programs is set forth in Attachment 3.

9. *Preparation of environmental statements.* Guidelines for the form and content of environmental statements are set forth in Attachment 2.

a. *Draft of statement.* Draft statements shall be prepared at the earliest practical time, prior to the first significant point of decision in the program or project development process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decision making process. The implementing instructions (called for by paragraph 5 above) will specify the appropriate point at which draft statements should be prepared for each type of action in the administration to which this Order is applicable.

b. *Applications.* Each applicant for a grant, loan, permit, or other DOT approval covered by paragraph 3 above may be requested to submit, together with the original application, either a proposed draft 102(2)(C) statement or a negative declaration, or administrations may request applicants to submit an environmental analysis of the proposed project which would be utilized in the preparation of a draft statement or negative declaration by the administration.

(1) In the latter event, the administration should assist the applicant by specifying the types of information required.

(2) In all cases, the administration should make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental statements.

(3) Implementing instructions pursuant to paragraph 5 should include provisions limiting actions which an applicant may take prior to completion and review of the final application

c. *Use of consultants.* Consultants may be utilized to prepare background or preliminary material for use in a draft or final environmental statement for which the Department takes responsibility. Selection of consultants and work by consultants who may expect further contracts based on the outcome of the environmental decision should be carefully reviewed to insure complete and objective consideration of all relevant project impacts and alternatives.

d. *Actions originating within DOT.* In the case of proposals originating within DOT for an action to which this Order is applicable, the originator of the proposal will state in the proposal whether, in his judgment, the action will or will not require a 102(2)(C) statement. In the case of actions originating within the Office of the Secretary, the originator of the proposal should be responsible for preparation, with the concurrence of TES, circulation, and filing with CEQ of an environmental statement, or for the preparation of a negative declaration.

e. *Scope of statement.* The scope of the action covered by the statement should be sufficiently broad so as to avoid segmentation of projects and to insure

meaningful consideration of alternatives to the proposed action. Actions covered should have independent significance and stand on their own. In certain circumstances, broad program statements will be required in order to assess the environmental effects of a number of actions in a geographical area, or environmental impacts that are generic or common to a series of actions, or the overall impact of a chain of contemplated projects.

f. *Negative declaration.* Any proposal for an action to which this order is applicable (in accordance with paragraph 5a above) will include either a statement as required by section 102(2)(C) of NEPA or a declaration that the proposed action will not have a significant impact on the environment.

(1) Negative declarations need not be coordinated outside the originating office, but must be made available to the public upon request.

(2) Negative declarations should be supported by sufficient documentation so that the basis for the determination that the proposed action does not have a significant impact on the environment is clear.

(3) An operating administration or Secretarial Office should carefully document any negative declaration covering a proposed action (a) which has been identified as normally requiring preparation of a statement; (b) which is similar to actions for which a statement has been prepared; or (c) which has been previously announced to be the subject of a statement. For actions covered by a negative declaration in response to a request from CEQ, see Paragraph 13. Lists of such declarations, and any determinations made that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided in paragraph 6e for lists of statements under preparation.

g. *Interdisciplinary approach.* The 102(2)(C) statement should reflect the utilization of a "systematic, interdisciplinary approach" as required by section 102(2)(A) of NEPA. The interdisciplinary approach should include appropriate disciplines to assure that environmental impacts are described in detail in the statement. This is to be carried out by relevant disciplines represented on staff, or where this is not appropriate, by use of relevant Federal, State, and local agencies or the professional services of universities and outside consultants. The interdisciplinary approach should not be limited to the preparation of the environmental impact statement, but should also be used in the early planning stages of the proposed action. Early application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

h. *Lead agency.* CEQ guidelines provide that, "Where more than one agency directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should be prepared for all Federal actions involved. Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single 'lead agency' to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multiagency actions. Situations where a geographic or regionally focused statement would be desirable because of cumulative effects of multiagency actions should be brought to the attention of CEQ." Questions concerning "lead agency" decisions should be raised with CEQ through TES. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, that agency may be the appropriate lead agency.

i. *Legislative proposals.* Before the Department submits or makes a favorable report on proposed legislation involving matters for which it is primarily responsible or proposed legislation to the Congress, the office which develops the Departmental position on the report or originates legislation shall prepare, circulate, and file with CEQ an environmental statement or prepare a negative declaration. The draft of the environmental statement should be cleared with TES and may be submitted by TGC-40 to the Office of Management and Budget for circulation along with normal legislative clearances. The statement and any comments that have been received should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Department has forwarded to the Congress does not allow adequate time for the completion of a final environmental statement, a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text. Negative declarations may be forwarded to the Congress, if requested.

10. *Processing of environmental statement.* The originating operating administration or Secretarial Office shall circulate for comment the draft environmental statement called for by subparagraph 9 above to all agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to CEQ (ten copies) and TES (two copies), as well as other elements of DOT where appropriate. In the case of highway projects, circulation may be made by a State highway department, provided that the Federal Highway Administration takes responsibility for the form and content of the statement and clears it for circulation. Implementing instructions (called for by paragraph 5 above) will set forth the procedure for obtaining such comments. A time period for comment may be specified, but may not be less than 45 days from the date of publication in the Federal Register of the CEQ listing notifying the public of issuance of the impact statement. A requested extension of time, if possible, shall be allowed, particularly considering the magnitude and complexity of the statement and extent of citizen interest. Where comments have been obtained by the applicant and included in the draft environmental statement, comments need not be solicited again from the same organizations, unless there are pertinent changes in the project proposal.

a. *Federal review.* Attachment 4 to this Order is a list of Federal agencies with special expertise or jurisdiction by law with respect to environmental impacts, to whom the draft statement should be referred, as appropriate, for comment.

b. *State or local review.* (1) Where review of the proposed action by State and local agencies is relevant, such State and local review shall be provided for as follows:

(a) Where review of direct Federal development projects and projects assisted under programs listed in Attachment D of OMB (issued as BOB) Circular A-95, as implemented by DOT 4600.4A, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 6-14-72, takes place prior to preparation of an environmental statement, comments on the environmental effects of the proposed project are inputs to the environmental statement. The comments of reviewing agencies should be attached to the draft statement when it is circulated for review and copies of the draft sent to those who commented. A-95 clearinghouses or other agencies designated by the Governor may also secure reviews of environmental statements. Clearinghouses should in all cases be sent copies of the draft and final environmental statements, as should any applicant whose project is the subject of the statement.

(b) Project applicant or administrations shall obtain comments directly from appropriate State and local agencies, except where review is secured by

agreement through A-95 clearinghouses. Comments should be solicited from municipalities and counties for all projects located therein.

(c) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local government will be conducted pursuant to procedures established by OMB (issued as BOB) Circular No. A-85.

(2) Environmental statements on legislative proposals are not generally subject to State and Local review. Similarly, budget proposals may be excluded from such review.

c. *Utilization of comments.* Comments received under subparagraphs 10a and 10b and inputs from the processes for citizen participation in paragraph 6 shall accompany the draft environmental statement through the normal internal project or program review process.

d. *Final statements.* (1) The originating administration or secretarial office shall revise draft statements, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations before being put into final form for approval of the responsible official.

(2) Final statements (two copies), together with all comments received on the draft from the responsible Federal, State and local agencies and from private organizations, will then be submitted to TES for concurrence, with the following exceptions:

(a) Federal Highway Administration—Final approval authority on environmental impact statements for all grants for highway construction projects is assigned to the Federal Highway Administrator, but may be given only after the concurrence of TES for grants for projects in the following categories:

(i) Any highway project located on a new alignment in an urban area.

(ii) Any new controlled access freeway.

(iii) Any project to which a Federal, State, or local governmental agency has expressed opposition.

(iv) Any project for which TES requests an opportunity to review and concur in the final statement.

(v) Any project for which the Federal Highway Administrator requests review and concurrence by TES in the final statement.

For those highway construction project grants in categories (i) through (v) above which also fall under section 4(f) of the DOT Act, concurrence from both TGC and TES will be required prior to approval of the final environmental impact statement/section 4(f) determination by the Administrator.

(b) Federal Aviation Administration—Final approval authority on environmental impact statements for all airport development grants is assigned to the Federal Aviation Administrator, but may be given only after the concurrence of TES for grants for projects in the following categories:

(i) Any new airport serving a metropolitan area.

(ii) Any new runway or runway extension for an airport located in whole or in part within a metropolitan area and either certificated under section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators.

(iii) Any project to which a Federal, State, or local governmental agency has expressed opposition.

(iv) Any project for which TES requests an opportunity to review and concur in the final statement.

(v) Any project for which the Federal Aviation Administrator requests review and concurrence by TES in the final statement.

For those airport grants in categories (i) through (v) above which also fall under section 4(f) of the DOT Act or section 16(c)(4) of the Airport Act, concurrence from both TGC and TES will be required prior to approval of the final environmental impact statement/section 4(f) or section 16(c) determination by the Administrator.

(c) U.S. Coast Guard—Final approval authority on environmental impact statements for all bridge permits issued under Section 9 of the Act of March 3, 1899, 33 U.S.C. 401; the Bridge Act of 1906, 33 U.S.C. 491; or the General Bridge Act of 1946, 33 U.S.C. 525, is assigned to the Commandant of the Coast Guard, but may be given only after the concurrence of TES for bridge permits in the following categories:

(i) Any bridge which would be part of a road located on a new alignment in an urban area.

(ii) Any bridge which would be part of a new controlled access freeway.

(iii) Any bridge to which a Federal, State, or local governmental agency has expressed opposition.

(iv) Any bridge for which TES requests an opportunity to review and concur in the final statement.

(v) Any bridge for which the Commandant of the Coast Guard requests review and concurrence by TES in the final statement.

For those Coast Guard projects in categories (i) through (v) above which fall under section 4(f) of the DOT Act, concurrence from both TGC and TES will be required prior to approval of the final environmental impact statement/section 4(f) determination by the Commandant.

(3) All final statements will be reviewed for legal sufficiency by the Chief Counsel of the operating administration concerned, or his designee. All matters falling under section 4(f) of the DOT Act or Section 16 of the Airport Act shall be reviewed for legal sufficiency by headquarters legal counsel of the operating administration.

(4) A final statement may not be formally transmitted to CEQ until all pertinent TES and TGC concurrences have been secured.

(5) The final statement shall be deemed concurred in by TES unless other notification is provided within two weeks after its receipt in TES, except for items requiring other concurrence by other Secretarial officers under subparagraph (2) of this paragraph. With respect to such items, TES shall transmit the decisions of the appropriate Secretarial Offices to the originating administration or office.

(6) Proposed final statements may be made available to the public and Federal, State, or local agencies pending final approval and filing with CEQ, with a notation that the statement is not approved and filed.

e. *Availability of statements to the President, the CEQ, and the public.* After approval, the originating office is responsible for transmitting ten copies of each final statement to CEQ, which transmittal shall be deemed transmittal to the President.

(1) The office which prepared the environmental statement is also responsible for making the draft and final versions of such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Section 552) at the headquarters and appropriate regional offices of the administration and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information. Notice of such designation will be included in an OMB listing of clearinghouses.

(2) Materials to be made available to the public shall be provided without charge to the fullest extent practical, or at a fee which is not more than actual cost of reproducing copies.

(3) Draft and final statements should be made available in public places such as libraries, public offices, and offices of preparing administrations, Secretarial Officials, and applicants and grantees.

(4) Copies of final statements, with comments attached, should be sent, at the same time as they are sent to CEQ, to the applicant whose project is the subject of the statement; to appropriate offices of EPA; and to all Federal, State, and local agencies and private organizations who commented substantively on the draft statement or requested copies of the final statement; and to individuals who commented substantively on the draft. If the number of comments makes distribution highly impractical, TES shall consider an alternative arrangement.

(5) Those who request copies of any draft statement, comments, or final statement beyond those listed above should be advised of their availability from the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22151, at a nominal cost.

f. *Timing of decision.* To the maximum extent practicable, administrative action (i.e., any proposed action to be taken other than proposals for legislation to Congress, budget proposals, or reports on legislation) subject to section 102(2)(C) is not to be taken sooner than 90 days after a draft environmental

statement has been circulated for comment, furnished to CEQ, and made available to the public. Neither should such administrative action be taken sooner than 30 days after the final approved text of an environmental statement (together with comments) has been made available to the CEQ and the public. Exceptions to these time periods would apply for emergency procurement and where advance public disclosures will result in significant added costs of procurement to the Government. If the final text of an environmental statement is filed within 90 days after a draft statement has been circulated for comment, furnished to the CEQ and made public pursuant to this section of these guidelines, the 30-day period and 90-day period may run concurrently to the extent that they overlap. The time periods are measured from the date of publication in the FEDERAL REGISTER of the weekly filings with CEQ.

11. *Supplemental or amended statements.* Where substantial changes are made in proposed action, or where significant new information regarding environmental impacts or alternatives comes to light, a supplement or amendment to a draft or final environmental statement may be appropriate. In such cases the originating office should consult with TES with respect to the possible need for or desirability of recirculation of the statement for the appropriate period.

12. *Implementation of representations in environmental statements.* In order to follow up on representations made in environmental statements, the administrations will take the necessary steps, through its funding agreements and other contacts with the applicant, to assure that the actions to minimize adverse environmental effects, as spelled out in the approved statement, will be carried out. Proposals to deviate substantially from these actions in a way that may reduce the protection of the environment must be submitted to TES for concurrence as provided in subparagraph 10d ("Final Statements").

13. *Requests from the council on environmental quality.* CEQ, in fulfilling its responsibilities under NEPA and under Executive Order 11514, may request reports and other information dealing with issues arising in connection with the implementation of NEPA. Administrations and Secretarial Offices shall make every reasonable effort to be responsive to requests by CEQ for either the preparation or circulation of environmental statements, unless it is determined that an environmental statement is not required. In this event, an environmental assessment and publicly available record should set forth the reasons for that determination.

14. *Application of section 102(2)(C) procedure to existing projects and programs.* The Section 102(2)(C) procedure shall be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970. While the status of the work and degree of completion may be considered in determining whether to proceed with the project, it is essential that the environmental impacts of proceeding are reassessed pursuant to the Act's policies and procedures. In addition, if the project or program is continued, further incremental major actions shall be shaped so as to enhance and restore environmental quality as well as to avoid or minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

15. *Review of environmental statements prepared by other agencies.* Other agencies may consult with the Department of Transportation in preparation of environmental statements. The purpose of DOT review of and comment on environmental statements drafted by other agencies is to provide constructive assistance on proposals relating to functional areas of responsibility and expertise of the Department. The responsibility of the commenting Departmental official will generally be limited to the provision of a competent and cooperative advisory and consultant service. Departmental review of statements prepared by other agencies will consider the environmental impact of the proposal on areas within this Department's functional area of responsibility or special expertise.

a. Comments should be organized in a manner consistent with the structure of the draft statement and may include alternatives or modifications that will enhance environmental quality or avoid or minimize adverse environmental impacts.

b. DOT projects that are environmentally related to the proposed action should be indicated so interrelationships may be included in the final statement.

c. The nature of any monitoring effects during construction, startup, or operation phases may be suggested and encouraged to assist the sponsor, to the extent DOT may have expertise in establishment and operation of environmental monitoring.

d. Other agencies may consult with DOT operating administrations and will be requested to forward the draft environmental statements directly to the appropriate regional offices of the operating administrations.

e. There are several types of matters that should be referred to Departmental headquarters for comment. These generally include the following:

(1) Actions with national policy implications;

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance;

(3) Legislation, regulations having national impacts, or national program proposals;

(4) Projects regarding the transportation of hazardous materials and natural gas and liquid-products pipelines; and

(5) Water resource projects.

These items, except for water resource projects, which are referred to the Water Resources Coordinator, U.S. Coast Guard ("GWS"), should be referred to TES and, where appropriate, to headquarters of the operating administrations. When referring the above matters to headquarters, the regional office is encouraged to prepare a proposed Departmental response and transmit the recommended response to headquarters.

f. Requests for comments on draft environmental statements for projects of local or regional significance with no national implications should be answered in regional offices. In such cases, comments on the draft environmental statements are to be made directly by the regional offices of DOT elements to the regional or area office of the originating agency. If the receiving office feels that there is another office within the Department of Transportation that is in a better position to respond or is also interested, the statement or a copy of the statement should be transmitted at once to the other office. Other than referrals to headquarters, receiving offices should respond directly to requests for Departmental comments. For statements where more than one administration will comment at the regional level, the comments will be coordinated by the Secretarial Representative of the region or his designee.

g. When appropriate, the commenting office should coordinate a response with Departmental offices having special expertise in the subject matter.

h. Response to requests for comments should be within the time limits set forth in the request. The receiving office will be responsible for submission of comments within the time specified except where it has requested a specific extension of time. Any comments should be concise and specific as to what change is desired in either the action proposed or in the environmental statement, or both. Any lengthy analysis should be preceded by a summary of the principal areas of comment and conclusions and/or recommendations.

i. The original and one copy of the comments should be furnished to the requesting agency, and a copy transmitted to TES–70. Regional offices should also provide a copy of the comments to the Secretarial Representative of the region. Pursuant to directive of CEQ, five copies should be transmitted to CEQ. Any requests by the public for copies of comments will be referred to the agency originating the statement.

16. *Decisions reserved to the secretary.* In the case of any action requiring personal approval of the Secretary pursuant to a specific reservation of authority (including an *ad hoc* reservation), the final statement submitted pursuant to subparagraph 13d above shall be accompanied by a brief cover memorandum requesting the Secretary's approval. The

memorandum shall include signature lines for the concurrence of the Assistant Secretary for Environment, Safety, and Consumer Affairs, the General Counsel, and the Under Secretary. A signature line for the Secretary's approval shall also be included.

17. *Announcement of decisions.* TES, in conjunction with the Executive Secretary, will be responsible for informing the Assistant Secretary for Congressional and Intergovernmental Affairs and the Office of Public Affairs of the Secretary's decisions so that they, in coordination with the operating administration or other Secretarial Offices involved, may inform their contacts and take other appropriate actions.

18. *Applicability.* This Order will be applicable to all draft and final statements filed by DOT with CEQ after January 28, 1974.

GUIDELINES

1. *General.* Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effects of many Federal decisions, including related Federal actions and projects in the area, can be individually limited but cumulatively considerable. This can occur when one or more offices over a period of years put into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. Moreover, NEPA is not limited to adverse environmental effects; any significant effect, positive or negative, requires a statement. CEQ, on the basis of a written assessment of the impacts involved, is available to assist in determining whether specific actions require impact statements.

2. *"Major".* Any Federal action significantly affecting the environment is deemed to be "major" and a statement shall be prepared.

3. *"Significantly Affecting" Environment.* a. Any of the following actions should ordinarily be considered as significantly affecting the quality of the human environment:

(1) Any matter falling under section 4(f) of the DOT Act or section 106 of the Historic Preservation Act.

(2) Any action that is likely to be highly controversial on environmental grounds.

(3) Any action that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State, or local significance.

(4) Any action that is likely to be highly controversial regarding relocation housing resources.

(5) Any action that (a) divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located; or (b) causes increased congestion.

(6) Any action which (a) involves inconsistency with any Federal, State, or local law or administrative determination relating to the environment; (b) has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; (c) involves a possibility of contamination of a public water supply system; or (d) affects ground water, flooding, erosion, or sedimentation.

(7) Other action that causes significant environmental impact by directly or indirectly affecting human beings through adverse impacts on the environment.

b. The operating administrations are authorized and encouraged to identify in their implementing instructions those actions which do not fall within the purview of paragraph (a) above, and thus do not require preparation of a statement. Administrations may review the typical classes of actions that they undertake and, in consultation with TES, may develop specific criteria and methods of identifying those actions likely to require environmental statements and those actions likely not to require environmental statements. Normally this will involve:

(1) Making an initial assessment of the environmental impacts typically associated with principal types of actions.

(2) Identifying on the basis of this assessment types of actions which normally do, and types of actions which normally do not, require statements.

(3) With respect to remaining actions that may require statements depending on the circumstances, and those actions determined under the preceding paragraph (2) as likely to require statements, identifying: (a) what basic information needs to be gathered; (b) how and when such information is to be assembled and analyzed; and (3) on what basis environmental assessments and decisions to prepare impact statements will be made.

FORM AND CONTENT OF STATEMENT

1. *Form.* a. Each statement will be headed as follows:

Department of Transportation

(operating administration)

(Draft) Environmental Impact Statement Pursuant to Section 102(2)(C), P.L. 91-190

b. The heading specified in paragraph a. above shall be modified to indicate that the statement also covers section 4(f), section 14, section 106 and/or sections 16 and 18(4) requirements, as appropriate, and shall indicate whether the final statement will be approvable by an operating administration or the Office of the Secretary.

c. Each statement will, as a minimum, contain sections corresponding to subparagraph 2a. herein, supplemented as necessary to cover other matters provided in Attachment 2.

d. The format for the summary to accompany draft and final environmental statements is as follows:

SUMMARY

(Check one) ( ) Draft ( ) Final

Department of Transportation (with name of operating administration where appropriate). Name, address, and telephone number of individual who can be contacted for additional information about the proposed action or the statement.

(1) Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.

(2) Brief description of action indicating what States (and counties) are particularly affected.

(3) Summary of environmental impact and adverse environmental effects.

(4) List alternatives considered.

(5) (a) (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

(b) (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

(6) Dates the draft statement and the final statement if issued were made available to the Council on Environmental Quality and the public.

2. *Content.* The following provisions are intended to be considered, where relevant, as guidance regarding the content of environmental statements. This guidance is expected to be supplemented by research reports, guidance on methodology, and other material from the literature as may be pertinent to evaluation of relevant environmental factors:

a. *General.* The following points are to be covered:

(1) A description of the proposed Federal action (e.g., "The proposed Federal action is approval of location of highway . . ." or "The proposed Federal action is approval of a grant application to construct . . ."), a statement of its purpose, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting offices and the public.

(a) Highly technical and specialized analyses and data should generally be avoided in the body of the draft impact statement. Such materials should be appropriately summarized in the body of the environmental statement and attached as appendices or footnoted with adequate bibliographic references.

(b) The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.). In order to insure accurate descriptions

and environmental assessments, site visits should be made where appropriate.

(c) The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph 2.a.(3)(b)). In discussing these population aspects, the statement should give consideration to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection).

(d) The sources of data used to identify, quantify, or evaluate any or all environmental consequences must be expressly noted.

(2) The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

(3) The probable impact of the proposed action on the environment. (a) This requires assessment of the positive and negative effects of the proposed action as it affects both national and international human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to be considered should be the potential effect of the action on such aspects of the environment as those listed in Attachment 4. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(b) Secondary and other foreseeable effects, as well as primary consequences for the environment, should be included in the analysis. Secondary effects, such as impacts on existing community facilities and activities and through inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated and an assessment made of their effects on changes in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(4) Alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible preparing office. Section 102(2)(D) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of not taking any action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, low capital intensive improvements, mass transit alternatives to highway construction; alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to reveal comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. Where an existing impact statement already contains such an analysis its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

(5) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, noise, undesirable land use patterns, or impacts on public parks and recreation areas, wildlife and waterfowl refuges, or on historic sites, damage to life systems, traffic congestion, threats to health, or other consequences adverse to the environmental goals set out in Section 101(b) of the Act). This should be a brief section summarizing in one place those effects discussed in paragraph 2.a.(3) that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how all adverse effects will be mitigated.

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options.

(7) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires identification of unavoidable impacts and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

(8) An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (3) and (5) of this paragraph. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in subparagraph (4) of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection, cost-benefit analyses of proposed actions, if prepared, should be attached, or summaries thereof, to the environ-impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

(9) A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section may be added to the final environmental statement at the end of the review process.)

(a) The draft and final statements should document issues raised through consultations with Federal, State, and local agencies with jurisdiction or special expertise and with citizens, of actions taken in response to comments, public hearings, and other citizen involvement proceedings.

(b) Any unresolved environmental issues and efforts to resolve them, through further consultations or otherwise, should be identified in the final statement. For instance, where the EPA rates an action or statement "3" (inadequate analysis), "ER" (reservations concerning impacts, more study needed), or "EU" (impacts too adverse for approval), either the basis for the rating should be resolved or the final statement should reflect efforts to resolve the basis for the rating and the action taken.

(c) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and alternatives in the draft statement. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(d) All substantive comments received on the draft (or summaries of responses from the public which have been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

(10) Draft statements should indicate at appropriate points in the text any

underlying studies, reports, and other information obtained and considered in preparing the statement, including any cost-benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

b. *Publicly Owned Parklands, Recreational Areas, Wildlife and Waterfowl Areas and Historic Sites.* The following points are to be covered:

(1) Description of "any publicly owned land from a public park, recreational area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project. This includes its size, available activities, use, patronage, unique or irreplaceable qualities, relationship to other similarly used lands in the vicinity of the project, maps, plans, slides, photographs, and drawings showing in sufficient scale and detail the project. This also includes its impact on park, recreation, wildlife, or historic areas, changes in vehicular or pedestrian access.

(2) Statement of the "national, State or local significance" of the entire park, recreation area, refuge, or historic site "as determined by the Federal, State or local officials having jurisdiction thereof."

(a) In the absence of such a statement lands will be presumed to be significant. Any statement of "insignificance" by the official having jurisdiction is subject to review by the Department.

(b) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

(3) Similar data, as appropriate, for alternative designs and locations, including detailed cost estimates (with figures showing percentage differences in total project costs) and technical feasibility, and appropriate analysis of the alternatives, including any unique problems present and evidence that the cost or community disruptions resulting from alternative routes reach extraordinary magnitudes. This portion of the statement should demonstrate compliance with the Supreme Court's statement in the "Overton Park," case, as follows:

> The very existence of the statute indicates that the protection of parklands was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative results reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that the alternative routes present unique problems.

(4) If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protection area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(a) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, provision for functional replacement of the facility (see 49 CFR 25.254).

(b) Measures to minimize harm; e.g., tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths, noise mitigation measures all reflecting utilization of appropriate interdisciplinary design personnel.

(5) Evidence of concurrence or description of efforts to obtain concurrence of Federal, State or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

(6) If Federally owned properties are involved in highway projects, the final statement shall include the action taken or an indication of the expected action after filing a map of the proposed use of the land or other appropriate documentation with the Secretary of the Department supervising the land (23 U.S.C. 317).

(7) If land acquired with Federal grant money (Department of Housing and Urban Development open space or Bureau of Outdoor Recreation land and water conservation funds) is involved, the final statement shall include appropriate communications with the grantor agency.

(8) "Lands" include public interests in lands, such as easements, reversions, etc.; TGC will determine application of section 4(f) in case of disagreement.

(9) A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "4(f) area" involved.

c. *Properties and sites of historic significance.* (1) Draft environmental statement should include either identification of properties of historic significance or a determination that no such properties are affected or used. The views of the State Historic Preservation Officer and the Executive Director of the Advisory Council on Historic Preservation should be solicited in this regard.

(2) Documentation on sites of historic significance on or qualifying for the National Register should include either:

(a) A section determining that the proposed action constitutes no effect on a property that is either on or qualifies for and is being nominated to the most recent listing of the National Register of Historic Properties (see 38 FR 5386) and monthly supplements, including evidence of consultation with the State Historic Preservation Officer;

(b) An account of stipulations to comply with the Historic Preservation Act (if National Register properties are affected), including a joint memorandum acknowledging no adversity or satisfactory mitigation or removal of the adverse effect executed pursuant to "Protection of Properties; Procedures for Compliance" (38 FR 5388).

(c) In the event a joint memorandum cannot be obtained, the final environmental statement should include a "106 report" and the comments of the Advisory Council on Historic Preservation ("ACHP") in the form prescribed in "Protection of Properties; Procedures for Compliance," be responsive to the historic and environmental issues raised, and describe the actions proposed to mitigate adverse effects, including steps taken in response to comments by ACHP.

(3) For properties of State or local historic or cultural significance not on the National Register, the responsible official should consult with the State Historic Preservation Officer and with the local official having jurisdiction of the historic site or with historic societies, museums, or academic institutions with expertise regarding the site. The steps taken to conclude that there is no effect on the property or otherwise in response to comments should be detailed.

(4) Use of historic sites of Federal, State and local historic significance requires determinations under Section 4 (f), and documentation should include information necessary to consider such a determination (see paragraph 2.b.).

(5) Documentation should also include other actions taken to preserve and enhance sites, structures, and objects of historic archaeological or architectural significance.

d. *Impacts of the proposed action on the human environment involving community disruption and relocation.* (1) The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available.

(a) An estimate of the households to be displaced including the family characteristics (e.g., minorities, and income levels, tenure, the elderly, large families).

(b) Impact on the human environment of an action which divides or disrupts an established community, including, where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

(c) Impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families, doublings up).

(d) An estimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

(e) A definition of relocation housing in the area and the ability to provide adequate relocation housing for the types

of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

(f) Results of consultation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

(g) Where necessary, special relocation advisory services being provided the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement housing, and consultation with respect to acquiring, leasing, and occupying replacement housing.

(2) This data should provide the preliminary basis for assurance of the availability of relocation housing as required by DOT 5620.1, Replacement Housing Policy, of 6–24–70, and 49 C.F.R. 25.53.

e. *Considerations relating to pedestrians and bicyclists.* Where appropriate, the statement should discuss impacts on pedestrian access and movement to, across, along, and between transportation facilities, including sidewalks, overpasses, pedestrian activated signals, and other factors. Impacts on use of areas by pedestrians and bicycles should be discussed, particularly in medium and high density commercial and residential areas.

f. *Other social impacts.* The general social groups specially benfitted or harmed by the proposed action should be identified in the statement, including the following:

(1) Particular effects of a proposal on the elderly, handicapped, non-drivers, transit dependent, or minorities should be described to the extent reasonably predictable.

(2) How the proposal will facilitate or inhibit their access to jobs, educational facilties, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

g. *Standards as to noise, air, and water pollution.* The statement shall include sufficient analysis to predict the effects of the proposed action on attainment and maintenance of any environmental standards established by law or administrative determination (e.g., noise, ambient air quality, water quality) including the following documentation:

(1) With respect to water quality, there should be consultation with the agency responsible for the State water pollution control program with respect to conformity with standards and regulations regarding storm sewer discharge sedimentation control, and other nonpoint source discharges.

(2) The comments or determinations of the offices charged with administration of the State's implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.

(3) Conformity to adopted noise standards, compatible, if appropriate, with different land uses.

h. *Energy supply and natural resources development.* The statement should reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.

i. *Conditions relating to flood control.* The statement should include evidence of compliance with Executive Order 11296 and Flood Hazard Evaluation Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council. Evaluations of flood hazards and evidence of consultation with the Corps of Engineers or the Tennessee Valley Authority, together with necessary measures to handle flood hazard problems, should be set forth. If the responsible official determines that full compliance with E.O. 11296 and the guidelines can be carried out only at a later stage of development of the project, the documentation should include sufficient evidence to demonstrate that flood hazard problems can be handled and indicate the scope of further work necessary to provide for complete compliance with E.O. 11296 and the guidelines and where such work, when completed, will be available to the public.

j. *Considerations relating to wetlands or coastal zones.* Where wetlands or coastal zones are involved, the statement should include:

(1) Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

(2) An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and measures to minimize adverse impacts.

(3) A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the Nation, and recommendations as to whether the proposed action should proceed, and, if applicable, along what alternative route.

(4) Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.

k. *Construction impacts.* In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following identifying any special problem areas:

(1) Noise impacts from construction and any specifications providing maximum noise levels.

(2) Disposal of spoil and effect on borrow areas and disposal sites (include any specifications).

(3) Measures to minimize effects on traffic and pedestrians.

l. *Land use and urban growth.* The statement should include, to the extent relevant and predictable:

(1) The effect of the project on land use, development patterns, and urban growth.

(2) Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.

m. *Projects under section 16 of the Airport Act: New airport runways and runway extensions.* (1) Identification of communities in or near which the project is located.

(2) Identification of steps taken by the applicant to determine the interests of those communities, including economic, environmental, and social interests, as well as transportation interests.

(3) Statement of the specific actions taken in planning the project to recognize and to meet the communities' interests.

(4) For identified community interests which are in conflict with the project, a statement explaining why the interests have not been met, what alternatives have been investigated to meet the community interests, estimated costs of the alternatives and the reasons for not adopting the alternatives.

(5) Consistency of the project with plans (existing at the time of approval of the project) of planning agencies for development of the area in which the airport is located.

(6) Identification of existing land uses and location and nature of nearby noise sensitive public or private facilities, with noise contours describing cumulative impact on existing and planned land uses.

(7) Assurances that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

(8) For any project found to have an adverse effect on the environment, and for which no feasible and prudent alternative exists, identify all steps taken to minimize such adverse effect.

(9) For any project found to have an adverse effect on the environment, and for which all possible steps have been taken to minimize such effect, a request that the Secretary render the appropriate findings, in writing.

(10) Statement that the public hearings required by section 16(d) of the Airport Act have been held.

(11) Statement by appropriate local planning officials that the project is consistent with the goals and objectives of such urban planning as has been carried out by the community.

(12) Where relevant, certification by the Governor or appropriate Federal official that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to com-

ply with applicable air and water quality standards.

n. *Projects under section 14 of the Mass Transportation Act: Mass transit projects with a significant impact on the quality of the human environment.* (1) Evidence of the opportunity that was afforded for the presentation of views by all parties with a significant economic, social or environmental interest.

(2) Evidence that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the project is located.

(3) If there is an adverse environmental effect and there is no feasible and prudent alternative, description of all planning undertaken to minimize such adverse environmental effect and statement of actions taken or to be taken to implement the planning; or a specific statement that there is no adverse environmental effect.

RESEARCH ACTIVITIES

Pursuant to CEQ guidelines, Departmental officials engaging in major technology research and development programs should develop procedures for periodic evaluation to determine when a program statement is required for such programs.

1. Factors to be considered in making this determination include the magnitude of Federal investment in the program, the likelihood of widespread application of the technology, the degree of environmental impact which would occur if the technology were widely applied, and the extent to which continued investment in the new technology is likely to restrict future alternatives.

2. Statements must be written late enough in the development process to contain meaningful information, but early enough so that this information can practically serve as an input in the decision-making process.

3. Where it is anticipated that a statement may ultimately be required but that its preparation is still premature, the office should prepare a publicly available record briefly setting forth the reasons for its determination that a statement is not yet necessary. This record should be periodically updated, particularly when significant new information becomes available concerning the potential environmental impact of the program.

4. In any case, a statement must be prepared before research activities have reached a state of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

5. Statements on technology research and development programs should include an analysis not only of alternatives forms of the same technology that might reduce any adverse environmental impacts but also of alternative technologies that would serve the same function as the technology under consideration.

6. Efforts should be made to involve other Federal agencies and interested groups with relevant expertise in the preparation of such statements because the impacts and alternatives to be considered are likely to be less well defined than in other types.

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES [1] WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON [2]

AIR

Air Quality

Department of Agriculture—
- Forest Service (effects on vegetation)

Atomic Energy Commission (radioactive substances)
Department of Health, Education, and Welfare
Environmental Protection Agency
Department of the Interior—
- Bureau of Mines (fossil and gaseous fuel combustion)
- Bureau of Sport Fisheries and Wildlife (effect on wildlife)
- Bureau of Outdoor Recreation (effects on recreation)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)

National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—
- Assistant Secretary for Systems Development and Technology (auto emissions)
- Coast Guard (vessel emissions)
- Federal Aviation Administration (aircraft emissions)

Weather Modification

Department of Agriculture—
- Forest Service

Department of Commerce—
- National Oceanic and Atmospheric Administration

Department of Defense—
- Department of the Air Force

Department of the Interior—
- Bureau of Reclamation

WATER RESOURCES COUNCIL

WATER

Water Quality

Department of Agriculture—
- Soil Conservation Service
- Forest Service

Atomic Energy Commission (radioactive substances)

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[1] River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red-Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

[2] In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

Department of the Interior—
- Bureau of Reclamation
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Geological Survey
- Office of Saline Water

Environmental Protection Agency
Department of Health, Education, and Welfare
Department of Defense—
- Army Corps of Engineers
- Department of the Navy (ship pollution control)

National Aeronautics and Space Administration (remote sensing)
Department of Transportation—
- Coast Guard (oil spills, ship sanitation)

Department of Commerce—
- National Oceanic and Atmospheric Administration

Water Resources Council
River Basin Commissions (as geographically appropriate)

Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation

Department of Commerce—
- National Oceanic and Atmospheric Administration

Department of Defense—
- Army Corps of Engineers
- Office of the Oceanographer of the Navy

Department of Health, Education, and Welfare
Department of the Interior—
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Bureau of Land Management (outer continental shelf)
- Geological Survey (outer continental shelf)

Department of Transportation—
- Coast Guard

Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

Waterway Regulation and Stream Modification

Department of Agriculture—
- Soil Conservation Service

Department of Defense—
- Army Corps of Engineers

Department of the Interior—
- Bureau of Reclamation
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Geological Survey

Department of Transportation—
- Coast Guard

Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

FISH AND WILDLIFE

Department of Agriculture—
- Forest Service
- Soil Conservation Service

Department of Commerce—
- National Oceanic and Atmospheric Administration (marine species)

Department of the Interior—
- Bureau of Sport Fisheries and Wildlife
- Bureau of Land Management
- Bureau of Outdoor Recreation

Environmental Protection Agency

SOLID WASTE

Atomic Energy Commission (radioactive waste)
Department of Defense—
- Army Corps of Engineers

Department of Health, Education, and Welfare
Department of the Interior—
- Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Geological Survey (geologic and hydrologic effects)

Office of Saline Water (demineralization)
Department of Transportation—
Coast Guard (ship sanitation)
Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

NOISE

Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of Housing and Urban Development (land use and building materials aspects)
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation—
Assistant Secretary for Systems Development and Technology
Federal Aviation Administration, Office of Noise Abatement
Environmental Protection Agency
National Aeronautics and Space Administration

RADIATION

Atomic Energy Commission
Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (uranium mines)
Mining Enforcement and Safety Administration (uranium mines)
Environmental Protection Agency

HAZARDOUS SUBSTANCES

Toxic Materials

Atomic Energy Commission (radioactive substances)
Department of Agriculture—
Agricultural Research Service
Consumer and Marketing Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense
Department of Health, Education, and Welfare
Environmental Protection Agency

Food Additives and Contamination of Foodstuffs

Department of Agriculture—
Consumer and Marketing Service (meat and poultry products)
Department of Health, Education, and Welfare
Environmental Protection Agency

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production)
Consumer and Marketing Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Reclamation (irrigated lands)
Environmental Protection Agency

Transportation and Handling of Hazardous Materials

Atomic Energy Commission (radioactive substances)
Department of Commerce—
Maritime Administration
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)
Department of Defense—
Armed Services Explosive Safety Board
Army Corps of Engineers (navigable waterways)
Department of Transportation—
Federal Highway Administration, Bureau of Motor Carrier Safety
Coast Guard
Federal Railroad Administration
Federal Aviation Administration
Assistant Secretary for Systems Development and Technology
Office of Hazardous Materials
Office of Pipeline Safety
Environmental Protection Agency

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation, and Transmission, and Use

Atomic Energy Commission (nuclear)
Department of Agriculture—
Rural Electrification Administration (rural areas)
Department of Defense—
Army Corps of Engineers (hydro)
Department of Health, Education, and Welfare (radiation effects)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Reclamation
Power Marketing Administrations
Geological Survey
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Environmental Protection Agency
Federal Power Commission (hydro, transmission, and supply)
River Basin Commissions (as geographically appropriate)
Tennessee Valley Authority
Water Resources Council

Petroleum Development, Extraction, Refining, Transport, and Use

Department of the Interior—
Office of Oil and Gas
Bureau of Mines
Geological Survey
Bureau of Land Management (public lands and outer continental shelf)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (Transport and Pipeline Safety)
Environmental Protection Agency
Interstate Commerce Commission

Natural Gas Development, Prdouction, Transmission, and Use

Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Oil and Gas
Geological Survey
Bureau of Mines
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (transport and safety)
Environmental Protection Agency
Federal Power Commission (production, transmission, and supply)
Interstate Commerce Commission

Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use

Appalachian Regional Commission
Department of Agriculture—
Forest Service
Department of Commerce
Department of the Interior—
Office of Coal Research
Mining Enforcement and Safety Administration
Bureau of Mines
Geological Survey
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission
Tennessee Valley Authority

Renewable Resource Developemnt, Production, Management, Harvest, Transport, and Use

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce
Department of Housing and Urban Development (building materials)
Department of the Interior—
Geological Survey
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission (freight rates)

Energy and Natural Resources Conservation

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development—
Federal Housing Administration (housing standards)
Department of the Interior—
Office of Energy Conservation
Bureau of Mines
Bureau of Reclamation
Geological Survey
Power Marketing Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority

LAND USE AND MANAGEMENT

Land Use Changes, Planning and Regulation of Land Development

Department of Agriculture—
Forest Service (forest lands)
Agricultural Research Service (agricultural lands)
Department of Housing and Urban Development

Department of the Interior—
Office of Land Use and Water Planning
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Department of Transportation
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate)

Public Land Management

Department of Agriculture—
Forest Service (forests)
Department of Defense
Department of the Interior—
Bureau of Land Management
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Federal Power Commission (project lands)
General Services Administration
National Aeronautics and Space Administration (remote sensing)
Tennessee Valley Authority (project lands)

PROTECTION OF ENVIRONMENTALLY CRITICAL AREAS—FLOODPLAINS, WETLANDS, BEACHES AND DUNES, UNSTABLE SOILS, STEEP SLOPES, AQUIFER RECHARGE AREAS, ETC.

Department of Agriculture—
Agricultural Stabilization and Conservation Service
Soil Conservation Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration (coastal areas)
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban and floodplain areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Geological Survey
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Adminisration (remote sensing)
River Basins Commissions (as geographically appropriate)
Water Resources Council

LAND USE IN COASTAL AREAS

Department of Agriculture—
Forest Service
Soil Conservation Service (soil stability, hydrology)
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits. Refuse Act permits)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Sport Fisheries and Wildlife
National Park Service
Geological Survey
Bureau of Outdoor Recreation
Bureau of Land Management (public lands)
Department of Transportation—
Coast Guard (bridges, navigation)
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Department of Transportation
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

DENSITY AND CONGESTION MITIGATION

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Department of Transportation
Environmental Protection Agency

NEIGHBORHOOD CHARACTER AND CONTINUITY

Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

IMPACTS ON LOW-INCOME POPULATIONS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Office of Economic Opportunity

HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL PRESERVATION

Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior—
National Park Service
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
General Services Administration
National Endowment for the Arts

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture—
Soil Conservation Service
Agriculture Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants)
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Land Management
Bureau of Sport Fisheries and Wildlife
Geological Survey
Bureau of Reclamation
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

OUTDOOR RECREATION

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management
National Park Service
Bureau of Outdoor Recreation
Bureau of Sport Fisheries and Wildlife
Bureau of Indian Affairs
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

OFFICES WITHIN FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES FOR INFORMATION REGARDING THE AGENCIES' NEPA ACTIVITIES AND FOR RECEIVING OTHER AGENCIES' IMPACT STATEMENTS FOR WHICH COMMENTS ARE REQUESTED

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, N.W., Washington, D.C. 20005 254-3974

ENVIRONMENTAL PROTECTION AGENCY [1]

Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 755-0777

Regional Administrator, I,
U.S. Environmental Protection Agency
Room 2303, John F. Kennedy
Federal Bldg., Boston, Mass. 02203
(617) 223-7210

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Regional Administrator, II,
U.S. Environmental Protection Agency
Room 908, 26 Federal Plaza
New York, New York 10007
(212) 264-2525

New Jersey, New York, Puerto Rico, Virgin Islands

Regional Administrator, III,
U.S. Environmental Protection Agency
Curtis Bldg., 6th & Walnut Sts.
Philadelphia, Pa. 19106
(215) 597-9801

Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia

Regional Administrator, IV,
U.S. Environmental Protection Agency
1421 Peachtree Street
N.E., Atlanta, Ga. 30309
(404) 526-5727

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Regional Administrator, V,
U.S. Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606
(312) 353-5250

Regional Administrator, VI,
U.S. Environmental Protection Agency
1600 Patterson Street
Suite 1100
Dallas, Texas 75201
(214) 749-1962

Regional Administrator, VII,
U.S. Environmental Protection Agency
1735 Baltimore Avenue
Kansas City, Missouri 64108
(816) 374-5493

Regional Administrator, VIII,
U.S. Environmental Protection Agency
Suite 900, Lincoln Tower
1860 Lincoln Street
Denver, Colorado 80203
(303) 837-3895

Regional Administrator, IX,
U.S. Environmental Protection Agency
100 California Street
San Francisco, California 94111
(415) 556-2320

Regional Administrator, X,
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101
(206) 442-1220

DEPARTMENT OF AGRICULTURE [1]

Office of the Secretary, Attn: Coordinator Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 447-3965

APPALACHIAN REGIONAL COMMISSION

Office of the Alternate Federal Co-Chairman, Appalachian Regional Commission, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235 967-4103

ENVIRONMENTAL PROTECTION AGENCY [2]

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Arkansas, Louisiana, New Mexico, Texas, Oklahoma

Iowa, Kansas, Missouri, Nebraska

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island

Alaska, Idaho, Oregon, Washington

GREAT LAKES BASIN COMMISSION

Office of the Chairman, Great Lakes Basin Commission, 3475 Plymouth Road, P.O. Box 999, Ann Arbor, Michigan 48105 (313) 769-7431

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE [3]

Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Department of Health, Education and Welfare, Washington, D.C. 20202 963-4456

ADVISORY COUNCIL ON HISTORIC PRESERVATION

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Executive Director of Civil Works, Office of the Chief of Engineers, U.S. Army Corps of Engineers, Washington, D.C. 20314 693-7168

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Office of Assistant General Manager for Biomedical and Environmental Research and Safety Programs, Atomic Energy Commission, Washington, D.C. 20545 973-3208

For regulatory matters: Office of the Assistant Director for Environmental Projects, Atomic Energy Commission, Washington, D.C. 20545 973-7531

DEPARTMENT OF COMMERCE

Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230 967-4335

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary for Defense (Health and Environment), U.S. Department of Defense, Room 3E172, The Pentagon, Washington, D.C. 20301 697-2111

DELAWARE RIVER BASIN COMMISSION

Office of the Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, N.J. 08603 (609) 883-9500.

FEDERAL POWER COMMISSION

Commission's Advisor on Environmental Quality, Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426 386-6084

GENERAL SERVICES ADMINISTRATION

Office of Environmental Affairs, Office of the Deputy Administrator for Special Projects, General Services Administration, Washington, D.C. 20405 343-4161

ENVIRONMENTAL PROTECTION AGENCY [2]

Region I:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 2007B
John F. Kennedy Center
Boston, Massachusetts 02203 (617) 223-6837

Region II:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Federal Building
26 Federal Plaza
New York, New York 10007 (212) 264-1308

Region III:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
P.O. Box 13716
Philadelphia, Pennsylvania 19101 (215) 597-6498

Region IV:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 404
50 Seventh Street, N.E.
Atlanta, Georgia 30323 (404) 526-5817

Region V:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 712, New Post Office Building
433 West Van Buren Street
Chicago, Illinois 60607 (312) 353-1644

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[1] Requests for comments or information from individual units of the Department of Agriculture, e.g., Soil Conservation Service, Forest Service, etc. should be sent to the Office of the Secretary, Department of Agriculture, at the address given above.

[2] Contact the Office of Federal Activities for environmental statements concerning legislation, regulations, national program proposals or other policy issues.

For all other EPA consultation, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. The Regional Administrators will coordinate the EPA review. Addresses of the Regional Administrators, and the areas covered by their regions are as follows:

[3] Contact the Office of Environmental Affairs for information on HEW's environmental statements concerning legislation, regulations, national program proposals or other major policy issues, and for all requests for HEW comment on impact statements of other agencies.

For information with respect to HEW actions occurring within the jurisdiction of the Departments' Regional Directors, contact the appropriate Regional Environmental Officer:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [4]

Director, Office of Community and Environmental Standards, Department of Housing and Urban Development, Room 7206, Washington, D.C. 20410
755–5980

Region VI:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
1114 Commerce Street
Dallas, Texas 75202 (214) 749–2236

Region VII:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
601 East 12th Street
Kansas City, Missouri 64106 (816) 374–3584

Region VIII:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202 (303) 837–4178

Region IX:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
50 Fulton Street
San Francisco, California 94102 (415) 556–1970

Region X:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Arcade Plaza Building
1321 Second Street
Seattle, Washington 98101 (206) 442–0490

Regional Administrator I,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Room 405, John F. Kennedy Federal Building
Boston, Mass. 02203 (617) 223–4066

Regional Administrator II,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
26 Federal Plaza
New York, New York 10007 (212) 264–8068

Regional Administrator III,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Curtis Building, Sixth and Walnut Street
Philadelphia, Pennsylvania 19106 (215) 597–2560

Regional Administrator IV,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Peachtree-Seventh Building
Atlanta, Georgia 30323 (404) 526–5585

Regional Administrator V,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
360 North Michigan Avenue
Chicago, Illinois 60601 (312) 353–5680

[4] Contact the Director with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

DEPARTMENT OF THE INTERIOR [5]

Director, Office of Environmental Project Review, Department of the Interior, Interior Building, Washington, D.C. 20240 343–3891

INTERSTATE COMMERCE COMMISSION

Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423
343–6167

DEPARTMENT OF LABOR

Assistant Secretary for Occupational Safety and Health, Department of Labor, Washington, D.C. 20210
961–3405

MISSOURI RIVER BASINS COMMISSION

Office of the Chairman, Missouri River Basins Commission, 10050 Regency Circle, Omaha, Nebraska 68114
(402) 397–5714

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Comptroller, National Aeronautics and Space Administration, Washington, D.C. 20546
755–8440

NATIONAL CAPITAL PLANNING COMMISSION

Office of Environmental Affairs, Office of the Executive Director, National Capital Planning Commission, Washington, D.C. 20576
382–7200

NATIONAL ENDOWMENT FOR THE ARTS

Office of Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506
382–5765

NEW ENGLAND RIVER BASINS COMMISSION

Office of the Chairman, New England River Basins Commission, 55 Court Street, Boston, Mass. 02108
(617) 223–6244

Regional Administrator VI,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Federal Office Building, 819 Taylor Street
Fort Worth, Texas 76102 (817) 334–2867

Regional Administrator VII,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
911 Walnut Street
Kansas City, Missouri 64106 (816) 374–2661

Regional Administrator VIII,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Samsonite Building, 1051 South Broadway
Denver, Colorado 80209 (303) 837–4061

Regional Administrator IX,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
450 Golden Gate Avenue, Post Office Box 36003
San Francisco, California 94102 (415) 556–4752

[5] Requests for comments or information from individual units of the Department of the Interior should be sent to the Office of Environmental Project Review at the address given above.

Regional Administrator X,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Room 226, Arcade Plaza Building
Seattle, Washington 98101 (206) 583–5415.

OFFICE OF ECONOMIC OPPORTUNITY

Office of the Director, Office of Economic Opportunity, 1200 19th Street, N.W., Washington, D.C. 20506
254–6000

OHIO RIVER BASIN COMMISSION

Office of the Chairman, Ohio River Basin Commission, 36 East 4th Street, Suite 208–20, Cincinnati, Ohio 45202
(513) 684–3831

PACIFIC NORTHWEST RIVER BASINS COMMISSION

Office of the Chairman, Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660
(206) 695–3606

SOURIS-RED-RAINY RIVER BASINS COMMISSION

Office of the Chairman, Souris-Red-Rainy River Basins Commission, Suite 6, Professional Building, Holiday Mall, Moorhead, Minnesota 56560
(701) 237–5227

DEPARTMENT OF STATE

Office of the Special Assistant to the Secretary for Environmental Affairs, Department of State, Washington, D.C. 20520, 632–7964

SUSQUEHANNA RIVER BASIN COMMISSION

Office of the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055, (717) 737–0501

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tennessee 37401, (615) 755–2002

DEPARTMENT OF TRANSPORTATION [6]

Director, Office of Environmental Quality, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, Washington, D.C. 20590, 426–4357

For information regarding the Department of Transportation's other environmental statements, contact the national office for the appropriate administration:

U.S. Coast Guard

Office of Marine Environment and Systems, U.S. Coast Guard, 400 7th Street SW., Washington, D.C. 20590, 426–2007

Federal Aviation Administration

Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, 426–8406

Federal Highway Administration

Office of Environmental Policy, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590, 426–0351

[6] Contact the Office of Environmental Quality, Department of Transportation, for information on DOT's environmental statements concerning legislation, regulations, national program proposals, or other major policy issues.

Federal Railroad Administration

Office of Policy and Plans, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, 426–1567

Urban Mass Transportation Administration

Office of Program Operations, Urban Mass Transportation Administration, 400 7th Street SW., Washington D.C., 20590, 426–4020

For other administrations not listed above, contact the Office of Environmental Quality, Department of Transportation, at the address given above.

For comments on other agencies' environmental statements, contact the appropriate administration's regional office. If more than one administration within the Department of Transportation is to be requested to comment, contact the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments:

SECRETARIAL REPRESENTATIVE

Region I Secretarial Representative, U.S. Department of Transportation, Transportation Systems Center, 55 Broadway, Cambridge, Massachusetts 02142 (617) 494–2709

Region II Secretarial Representative, U.S. Department of Transportation, 26 Federal Plaza, Room 1811, New York, New York 10007 (212) 264–2672

Region III Secretarial Representative, U.S. Department of Transportation, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597–0407

Region IV Secretarial Representative, U.S. Department of Transportation, Suite 515, 1720 Peachtree Rd., N.W. Atlanta, Georgia 30309 (404) 526–3738

Region V Secretarial Representative, U.S. Department of Transportation, 17th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353–4000

Region VI Secretarial Representative, U.S. Department of Transportation, 9–C–18 Federal Center, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–1851

Region VII Secretarial Representative, U.S. Department of Transportation, 601 E. 12th Street, Room 634, Kansas City, Missouri 64106 (816) 374–2761

Region VIII Secretarial Representative, U.S. Department of Transportation, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80225 (303) 837–3242

Region IX Secretarial Representative, U.S. Department of Transportation, 450 Golden Gate Avenue, Box 36133, San Francisco, California 94102 (415) 556–5961

Region X Secretarial Representative, U.S. Department of Transportation, 1321 Second Avenue, Room 507, Seattle, Washington 98101 (206) 442–0590

FEDERAL AVIATION ADMINISTRATION

New England Region, Office of the Regional Director, Federal Aviation Administration, 154 Middlesex Street, Burlington, Massachusetts 01803 (617) 272–2350

Eastern Region, Office of the Regional Director, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430 (212) 995–3333

Southern Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320 (404) 526–7222

Great Lakes Region, Office of the Regional Director, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018 (312) 694–4500

Southwest Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101 (817) 624–4911

Central Region, Office of the Regional Director, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Missouri 64106 (816) 374–5626

Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207 (303) 837–3646

Western Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 92007, WorldWay Postal Center, Los Angeles, California 90009 (213) 536–6427

Northwest Region, Office of the Regional Director, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108 (206) 767–2780

FEDERAL HIGHWAY ADMINISTRATION

Region 1, Regional Administrator, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, New York 12054 (518) 472–6476

Region 3, Regional Administrator, Federal Highway Administration, Room 1621, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962–2361

Region 4, Regional Administrator, Federal Highway Administration, Suite 200, 1720 Peachtree Road, N.W., Atlanta, Georgia 30309 (404) 526–5078

Region 5, Regional Administrator, Federal Highway Administration, Dixie Highway, Homewood, Illinois 60430 (312) 799–6300

Region 6, Regional Administrator, Federal Highway Administration, 819 Taylor Street, Fort Worth, Texas 76102 (817) 334–3232

Region 7, Regional Administrator, Federal Highway Administration, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 (816) 361–7563

Region 8, Regional Administrator, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver, Colorado 80225

Region 9, Regional Administrator, Federal Highway Administration, 450 Golden Gate Avenue, Box 36096, San Francisco, California 94102 (415) 556–3895

Region 10, Regional Administrator, Federal Highway Administration, Room 412, Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204 (503) 221–2065

URBAN MASS TRANSPORTATION ADMINISTRATION

Region I, Office of the UMTA Representative, Urban Mass Transportation Administration, Transportation Systems Center, Technology Building, Room 277, 55 Broadway, Boston, Massachusetts 02142 (617) 494–2055

Region II, Office of the UMTA Representative, Urban Mass Transportation Administration, 26 Federal Plaza, Suite 1809, New York, New York 10007 (212) 264–8162

Region III, Office of the UMTA Representative, Urban Mass Transportation Administration, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597–0407

Region IV, Office of UMTA Representative, Urban Mass Transportation Administration, 1720 Peachtree Road, Northwest, Suite 501, Atlanta, Georgia 30309 (404) 526–3948

Region V, Office of the UMTA Representative, Urban Mass Transportation Administration, 300 South Wacker Drive, Suite 700, Chicago, Illinois 60606 (312) 353–6005

Region VI, Office of the UMTA Representative, Urban Mass Transportation Administration, Federal Center, Suite 9E24, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–7322

Region VII, Office of the UMTA Representative, Urban Mass Transportation Administration, c/o FAA Management Systems Division, Room 1564D, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374–5567

Region VIII, Office of the UMTA Representative, Urban Mass Transportation Administration, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80202 (303) 837–3242

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DEPARTMENT OF THE TREASURY

Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220 964–5391

UPPER MISSISSIPPI RIVER BASIN COMMISSION

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WATER RESOURCES COUNCIL

Office of the Associate Director, Water Resources Council, 2120 L Street, N.W., Suite 800, Washington, D.C. 20037 254–6442

[FR Doc.73–23331 Filed 10–31–73;8:45 am]

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PART III

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

■

PASSENGER CAR TIRES AND RIMS

Federal Motor Vehicle Safety Standards

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-22; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Passenger Car Tires and Rim Tables

This notice publishes the complete text of Appendix A of 49 CFR 571.109 *Motor Vehicle Safety Standard No. 109* and Appendix A of 49 CFR 571.110 *Motor Vehicle Safety Standard No. 110* as of October 1, 1973.

Appendix A of § 571.109 lists tire size designations, by construction type, with appropriate load values for each size designation at specified inflation pressures. It further lists, for each tire size designation, the appropriate test rim width, minimum size factor, and section width. Appendix A of § 571.110 lists acceptable tire size designation and rim combinations that do not appear in the specified yearbooks of those domestic and foreign tire and rim associations that are listed in the definition of "test rim" in S3 of § 571.109.

The Appendices of § 571.109 and § 571.110 were last published in complete text on December 2, 1971 (36 FR 22914). They have been subsequently amended on December 3, 1971 (36 FR 23067), December 24, 1971 (36 FR 24940), May 9, 1972 (37 FR 9322), August 2, 1972 (37 FR 15430), September 1, 1972 (37 FR 17837), September 15, 1972 (38 FR 18733), September 19, 1972 (37 FR 19138), October 20, 1972 (37 FR 22620), November 8, 1972 (37 FR 23727), November 16, 1972 (37 FR 24355), December 1, 1972 (37 FR 25521), February 8, 1973 (38 FR 3601), April 3, 1973 (38 FR 8514), May 21, 1973 (38 FR 13384), May 22, 1973 (38 FR 13485), and July 5, 1973 (38 FR 17842). Amendments to the Appendices of §§ 571.109 and 571.110 are accomplished through abbreviated rulemaking procedures (33 FR 14964; October 5, 1968) in which amendments become effective 30 days from publication if objections to them are not received. The agency attempts to publish amendments quarterly, on January 1, April 1, July 1, and October 1 of each calendar year. This notice compiles all amendments issued since the last publication in full text in order that the annual edition of the Code of Federal Regulations will contain appendices that are as current as possible.[1]

Effective dates. This notice merely republishes previously published amendments each of which has become effective on the date specified therein.

In light of the above, Appendix A of § 571.109 and Appendix A of § 571.110, Title 49, Code of Federal Regulations, are republished as set forth below.

(Sec. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421, and 1422; delegations of authority at 49 CFR 1.51 and 501.8)

Issued on September 21, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[1] An amendment to 49 CFR 571.109 and 571.110 published at 38 FR 28569, October 15, 1973, is not included in this compilation.

APPENDIX A - FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-A

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PAA TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00-13			770	820	860	900	930	970	1010	1040	1080	1110	1140	4	29.37	6.00
6.50-13			890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	4½	30.75	6.60
7.00-13			980	1030	1080	1130	1180	1230	1270	1310	1360	1400	1440	5	31.88	7.10
6.00-14			840	900	930	980	1020	1060	1100	1130	1170	1210	1240	4	30.64	6.10
6.45-14			860	910	960	1000	1040	1080	1120	1160	1200	1240	1270	4½	30.92	6.60
6.50-14			930	990	1030	1080	1130	1170	1210	1250	1300	1330	1370	4½	31.75	6.60
6.95-14			950	1000	1050	1100	1140	1190	1230	1270	1310	1350	1390	5	31.96	7.00
7.00-14			1030	1100	1140	1190	1240	1290	1340	1380	1430	1470	1520	5	32.88	7.10
7.35-14			1040	1100	1160	1210	1260	1310	1360	1400	1450	1490	1540	5	32.92	7.30
7.50-14			1150	1230	1280	1340	1390	1450	1500	1550	1600	1650	1700	5½	34.19	7.65
7.75-14			1150	1210	1270	1330	1390	1440	1500	1550	1600	1650	1690	5½	34.09	7.75
8.00-14			1240	1320	1380	1440	1500	1560	1620	1670	1730	1780	1830	6	35.17	8.10
8.25-14			1250	1310	1380	1440	1500	1560	1620	1670	1730	1780	1830	6	35.11	8.20
8.50-14			1330	1420	1480	1550	1610	1670	1740	1790	1850	1910	1960	6	35.91	8.35
8.55-14			1360	1430	1510	1580	1640	1710	1770	1830	1890	1950	2000	6	36.06	8.50
8.85-14			1430	1510	1580	1660	1730	1790	1860	1920	1990	2050	2100	6½	36.82	8.95
9.00-14			1430	1510	1580	1660	1730	1790	1860	1920	1990	2050	2100	6½	36.91	8.80
9.50-14			1540	1640	1700	1780	1850	1930	2000	2060	2130	2200	2260	6½	37.74	9.05
6.00-15			890	940	980	1030	1070	1110	1150	1190	1230	1270	1300	4	31.64	6.10
6.50-15			980	1040	1080	1130	1180	1230	1270	1320	1360	1400	1440	4½	32.75	6.60
6.70-15			1110	1190	1230	1290	1340	1400	1450	1500	1550	1590	1640	4½	33.95	7.00
6.85-15			950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1390	5	32.48	6.90
7.00-15	1170	1240	1310	1380	1450	1515	1580	1640	1700	1760	1820	1870	1930	5	36.02	7.35
7.10-15			1190	1270	1320	1380	1440	1500	1550	1600	1660	1710	1760	5	34.89	7.40
7.35-15			1070	1130	1180	1240	1290	1340	1390	1440	1480	1530	1570	5½	33.86	7.50
7.60-15			1310	1400	1450	1520	1580	1640	1710	1760	1820	1880	1930	5½	36.05	7.90
7.75-15			1150	1210	1270	1330	1380	1440	1490	1540	1590	1640	1690	5½	34.53	7.65
8.00-15			1380	1470	1530	1600	1670	1730	1800	1860	1920	1980	2040	6	36.84	8.30
8.15-15			1240	1300	1370	1430	1490	1550	1610	1660	1720	1770	1820	6	35.50	8.15
8.20-15			1470	1570	1630	1710	1780	1850	1920	1980	2050	2110	2170	6	37.50	8.50
8.25-15	1030	1190	1250	1310	1380	1440	1500	1560	1620	1670	1730	1780	1830	6	35.57	8.20
8.45-15			1340	1410	1480	1550	1620	1680	1740	1800	1860	1920	1970	6	36.37	8.35
8.55-15	1220	1290	1360	1430	1510	1580	1640	1710	1770	1830	1890	1950	2000	6	36.57	8.45
8.85-15			1430	1510	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	37.29	8.80
8.90-15			1700	1810	1880	1970	2050	2130	2210	2290	2360	2430	2500	6½	39.54	9.30
9.00-15			1460	1540	1620	1690	1760	1830	1900	1970	2030	2090	2150	6	37.45	8.50
9.15-15			1510	1600	1680	1750	1830	1900	1970	2030	2100	2160	2230	6½	37.92	9.05
6.00-16			1075	1135	1195	1250	1300	1350	1400	1450	1500	.....	.....	4	34.17	6.25
6.50-16	1090	1150	1215	1280	1345	1405	1465	1525	1580	1635	1690	1740	1790	4½	35.59	6.80
6.70-16		1185	1240	1300	1355	1410	1465	1525	1580	1635	1690	1740	1795	4½	35.60	7.40
7.00-16			1365	1440	1515	1585	1650	1715	1780	1840	1900	.....	.....	5	37.02	7.35
7.50-16			1565	1650	1735	1810	1890	1960	2035	2105	2175	.....	.....	5½	38.78	8.00
6.50-17		1215	1275	1330	1390	1450	1500	1560	1620	1680	1740	1795	1850	5	37.00	7.60
L84-15			1510	1600	1680	1750	1830	1900	1970	2030	2100	2160	2230	6	37.88	8.65

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-B

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A70-13	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	5½	30.27	7.30
C70-13	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5½	31.68	7.80
D70-13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	32.34	8.00
D70-14	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	32.81	7.85
E70-14	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5½	33.45	8.05
F70-14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	5½	34.16	8.30
G70-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.18	8.75
H70-14	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6	36.19	9.10
J70-14	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	36.87	9.50
L70-14	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	6½	37.62	9.75
C70-15	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1390	5½	32.75	7.50
D70-15	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	33.37	7.70
E70-15	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	6	34.13	8.10
F70-15	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6	34.89	8.35
G70-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.66	8.60
H70-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6	36.64	8.95
J70-15	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	37.36	9.35
K70-15	1290	1380	1460	1540	1620	1690	1770	1830	1900	1970	2030	2090	2150	6½	37.66	9.40
L70-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	6½	38.09	9.60

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-C

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
"SUPER BALLOON" SIZES																
4.80-10	320	355	390	430	470	490	510	535	555	575	595	.....	.....	3½	23.90	5.00
5.20-10	350	395	440	485	530	555	575	605	625	650	670	695	715	3½	24.84	5.20
5.90-10	385	430	475	515	550	580	605	630	650	675	700	.....	.....	4	24.00	5.80
5.20-12	395	445	495	545	595	625	655	685	710	735	760	785	810	3½	26.79	5.20
5.60-12	460	520	575	620	670	715	760	795	825	855	885	915	940	4	27.83	5.71
5.90-12	460	505	550	595	640	665	700	730	755	785	810	.....	.....	4	26.00	5.90
6.20-12	505	555	605	655	705	735	775	805	835	865	895	.....	.....	4½	27.00	6.30
5.20-13	430	485	540	590	640	670	710	740	765	795	820	850	875	3½	27.72	5.20
5.60-13	495	560	620	675	725	770	810	850	880	910	945	975	1005	4	28.92	5.71
5.90-13	555	625	695	755	815	860	895	935	970	1005	1040	1075	1105	4	29.74	5.91
6.20-13	520	580	640	700	750	780	820	850	880	910	945	.....	.....	4½	28.00	6.30
6.40-13	630	705	785	845	915	945	985	1025	1060	1100	1140	1175	1210	4½	31.26	6.42
6.70-13	690	775	860	935	1000	1045	1090	1135	1175	1220	1260	1305	1340	4½	32.14	6.69
6.90-13	695	745	795	845	915	955	1005	1045	1085	1120	1160	.....	.....	5	30.00	7.20
5.20-14	475	535	595	645	695	735	785	825	855	885	915	945	975	3½	28.89	5.20
5.60-14	530	595	660	715	770	815	855	890	920	955	990	1020	1050	4	29.94	5.71
5.90-14	585	660	730	785	850	880	925	970	1005	1040	1080	1115	1145	4	30.76	5.91
6.40-14	660	745	825	890	960	1000	1050	1090	1130	1170	1210	1250	1290	4½	32.19	6.42
6.45-14	.....	.....	860	910	960	1000	1040	1080	1120	.....	.....	.....	.....	4½	30.92	6.60
5.20-15	505	570	630	685	740	780	830	870	900	935	965	1000	1030	3½	29.75	5.20
5.60-15	555	625	695	755	815	860	895	935	970	1005	1040	1075	1105	4	30.87	5.71
5.90-15	615	695	770	825	890	935	980	1015	1050	1090	1130	1165	1200	4	31.77	5.91
6.40-15	.....	.....	875	950	1010	1055	1100	1150	1190	1230	1260	.....	.....	4½	33.20	6.42
"LOW SECTION" SIZES																
5.00-12	370	420	465	505	540	565	580	605	625	650	670	695	715	3½	25.62	5.04
5.50-12	415	470	520	560	605	635	665	695	720	745	770	800	820	4	26.93	5.59
6.00-12	485	545	605	655	705	735	785	815	845	875	905	935	965	4½	28.33	6.14
5.00-13	410	460	510	545	585	610	635	660	685	710	735	755	780	3½	26.64	5.04
5.50-13	445	495	550	595	640	670	710	740	765	795	820	850	875	4	27.95	5.59
7.25-13	730	825	915	990	1070	1110	1160	1200	1245	1290	1335	1380	1420	5	32.51	7.24
7.50-13	775	875	970	1040	1120	1180	1225	1270	1315	1365	1410	1460	1500	5½	33.22	7.48
5.50-15L	505	570	630	675	725	760	800	840	870	900	935	965	995	4	29.97	5.59
6.00-15L	595	665	740	800	860	890	930	970	1005	1040	1080	1115	1145	4½	31.29	6.14
6.50-15L	675	755	840	900	970	1010	1060	1105	1145	1185	1230	1270	1305	4½	32.68	6.54
7.00-15L	760	855	950	1025	1100	1145	1190	1235	1280	1325	1375	1420	1460	5	33.85	7.01
"SUPER LOW SECTION" SIZES																
145-10/5.95-10	380	430	475	515	550	580	605	630	650	675	700	725	745	4	24.76	5.79
125-12/5.35-12	335	380	420	450	485	510	535	550	570	590	610	630	650	3½	24.68	5.00
135-12/5.65-12	370	420	465	505	540	570	590	620	640	665	690	710	730	4	25.53	5.39
145-12/5.95-12	440	495	550	595	640	665	700	730	755	785	810	840	865	4	26.69	5.79
155-12/6.15-12	485	545	605	655	705	735	775	805	835	865	895	925	950	4½	27.36	6.18
135-13/5.65-13	415	470	520	555	595	625	655	685	710	735	760	785	810	4	26.53	5.39
145-13/5.95-13	470	525	585	620	670	705	745	770	800	825	855	885	910	4	27.61	5.79
155-13/6.15-13	515	575	640	700	750	780	820	850	880	910	945	975	1005	4½	28.44	6.18
165-13/6.45-13	575	645	715	770	825	865	905	935	970	1005	1040	1075	1105	4½	29.52	6.57
175-13/6.95-13	635	715	795	845	915	955	1005	1045	1085	1120	1160	1200	1235	5	30.34	7.01
185-13/7.35-13	695	785	870	945	1010	1060	1115	1160	1205	1245	1290	1335	1370	5½	31.41	7.40
135-14/5.65-14	440	495	550	595	640	665	700	730	755	785	810	840	865	4	27.54	5.59
145-14/5.95-14	495	560	620	665	715	750	785	815	845	875	905	935	965	4	28.54	5.79
155-14/6.15-14	540	610	675	730	780	825	860	895	925	960	995	1030	1060	4½	29.45	6.18
125-15/5.35-15	395	445	495	535	570	600	625	650	675	700	720	745	770	3½	27.69	5.00
135-15/5.65-15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
145-15/5.95-15	520	585	650	710	760	790	830	860	890	925	955	985	1015	4	29.54	5.79
155-15/6.35-15	585	660	730	780	835	875	915	950	985	1020	1055	1090	1125	4½	30.45	6.18
175-15/7.15-15	705	795	880	955	1020	1070	1125	1170	1215	1255	1300	1345	1385	5	32.42	7.01
165-14	650	715	770	815	880	925	970	1000	1035	1080	1115	1145	1170	4½	31.22	6.57
175-14	715	780	850	915	980	1025	1070	1115	1160	1200	1235	1270	1310	5	32.13	7.01
185-14	805	870	940	1000	1080	1135	1190	1235	1290	1325	1370	1400	1435	5½	33.15	7.40
195-14	860	950	1025	1105	1180	1235	1290	1345	1400	1445	1490	1535	1580	5½	34.18	7.80
205-14	940	1025	1115	1190	1270	1335	1400	1455	1510	1565	1610	1655	1700	6	34.84	8.19
215-14	1015	1115	1200	1290	1380	1445	1520	1590	1640	1700	1740	1785	1830	6	35.75	8.58
225-14	1080	1180	1280	1380	1465	1540	1620	1700	1750	1810	1850	1915	1970	6½	36.69	8.98
165-15	685	750	805	860	915	970	1015	1060	1105	1135	1180	1200	1235	½	31.73	6.57
185-15	815	905	970	1050	1115	1180	1235	1280	1325	1370	1410	1445	1490	5½	33.59	7.40
195-15	880	970	1060	1135	1215	1280	1335	1390	1445	1490	1535	1580	1620	5½	34.61	7.80
205-15	970	1060	1145	1225	1300	1370	1445	1500	1565	1610	1665	1720	1765	6	35.79	8.19
215-15	1050	1145	1235	1335	1435	1500	1590	1640	1700	1740	1800	1850	1910	6	37.24	8.58
235-15	1150	1295	1435	1545	1660	1735	1825	1895	1965	2035	2110	2180	2245	6½	38.26	9.37
5.0-15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
5.5-15	520	585	650	710	760	790	830	860	890	925	955	985	1015	4	29.54	5.79

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-D

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (-) RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145-10	495	525	545	565	585	605	625	640	655	670	685	700	710	4	24.76	5.79
125-12	405	430	445	465	480	495	505	525	535	550	560	575	580	3½	24.68	5.00
135-12	480	510	530	550	565	585	600	620	635	650	665	675	685	4	25.53	5.39
145-12	570	605	625	650	675	695	715	740	760	775	790	805	815	4	26.69	5.79
155-12	630	670	695	720	745	770	795	820	840	860	875	890	905	4½	27.36	6.18
135-13	515	545	565	590	610	630	650	670	690	705	715	730	740	4	26.53	5.39
145-13	605	640	665	695	720	740	765	790	815	830	845	855	870	4	27.61	5.79
155-13	670	710	735	765	790	815	840	870	895	910	925	940	955	4½	28.44	6.18
165-13	700	750	800	850	890	930	970	1010	1050	1090	1130	1170	1200	4½	29.52	6.57
175-13			810	860	920	980	1040	1100	1150	1200	1240	1300	1350	4½	30.30	6.75
185-13			870	940	1010	1080	1140	1210	1270	1330	1390	1450	1510	5	31.42	7.25
195-13			970	1040	1110	1180	1250	1320	1400	1450	1520	1580	1640	5½	32.38	7.70
135-14	555	585	610	635	655	675	695	720	740	750	765	780	790	4	27.54	5.39
145-14	645	680	710	735	760	785	810	840	865	885	905	920	935	4	28.54	5.79
155-14	630	680	720	760	800	840	880	920	950	980	1010	1040	1070	4½	29.45	6.18
165-14	740	790	840	890	940	980	1020	1060	1100	1140	1180	1220	1250	4½	30.53	6.57
175-14			830	900	960	1030	1100	1160	1230	1280	1350	1400	1470	5	31.63	7.00
185-14			920	1000	1070	1140	1220	1290	1360	1420	1500	1560	1640	5	32.59	7.30
195-14			1020	1100	1180	1270	1340	1420	1500	1570	1650	1720	1800	5½	33.69	7.80
205-14			1100	1180	1270	1380	1450	1540	1620	1700	1770	1860	1940	6	34.82	8.80
215-14			1200	1300	1390	1510	1580	1670	1770	1850	1920	2010	2100	6	35.79	8.60
225-14			1320	1420	1510	1610	1710	1800	1900	1970	2050	2150	2230	6½	36.44	8.95
125-15	495	525	545	565	585	605	625	640	655	670	685	700	710	3½	27.69	5.00
135-15	585	620	645	670	695	715	735	755	775	795	810	825	840	4	28.53	5.39
145-15	680	720	750	780	805	830	855	875	895	920	940	960	975	4	29.54	5.79
155-15	740	785	815	850	880	905	930	955	980	1005	1025	1045	1060	4½	30.45	6.18
165-15	770	820	870	920	970	1020	1070	1110	1150	1190	1230	1270	1310	4½	31.45	6.57
175-15			990	1050	1100	1150	1200	1250	1300	1350	1400	1440	1480	5	32.41	7.00
180-15	925	980	1020	1060	1095	1130	1170	1190	1230	1260	1280	1305	1325	4½	32.04	6.62
185-15			1000	1070	1140	1210	1280	1350	1420	1480	1540	1600	1660	5½	33.58	7.45
195-15			1080	1160	1240	1330	1400	1470	1550	1620	1680	1760	1820	5½	34.22	7.65
205-15			1190	1280	1370	1450	1530	1620	1700	1760	1840	1920	2000	6	35.20	8.10
215-15			1280	1380	1480	1570	1660	1760	1860	1940	2020	2100	2200	6	36.00	8.35
220-15			1320	1420	1520	1610	1695	1785	1875	1960	2050	2135	2225	6	36.49	8.35
225-15			1370	1470	1580	1670	1780	1880	1980	2060	2150	2240	2340	6½	36.94	8.60
230-15			1405	1515	1625	1725	1825	1925	2020	2110	2190	2280	2360	6½	37.50	8.80
235-15			1430	1540	1640	1750	1850	1960	2060	2160	2250	2350	2450	6½	37.75	9.05
240-15			1455	1570	1680	1790	1890	1990	2090	2190	2280	2380	2480	6½	38.28	9.05
185-16			1140	1210	1270	1330	1390	1450	1500	1550	1600	1650	1700	5½	34.14	7.40
165-400	800	860	920	980	1030	1080	1130	1180	1220	1260	1300	1340	1380	4	32.04	6.62

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-E

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "77 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
G77-14			1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.04	8.45
5.9-10	385	430	475	515	550	580	605	630	660	675	700			4	24.00	5.80
5.9-12	460	505	550	595	640	665	700	730	755	785	810			4	26.00	5.90
6.2-12	485	545	605	655	705	735	775	805	835	865	895	925	950	4	27.21	6.06
6.2-13	515	575	640	700	750	780	820	850	880	910	945	975	1005	4	28.19	6.06
6.5-13	575	645	715	770	825	865	905	935	970	1005	1040	1075	1105	4½	29.18	6.54
6.9-13	635	715	795	845	915	955	1005	1045	1085	1120	1160			4½	29.92	6.77
6.2-15	585	660	730	780	835	875	915	950	985	1020	1055	1090	1125	4	30.17	6.06
6.9-15	705	795	880	955	1020	1070	1125	1170	1215	1255	1300	1345	1385	4½	31.93	6.77

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-F

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
5.20R10	435	460	485	510	535	560	585	615	635	660	685	710	735	3½	24.84	5.20
5.00R12	480	495	515	535	555	575	595	615	635	650	670	690	710	3½	25.62	5.04
5.20R12	515	540	565	590	615	640	665	695	715	740	765	790	815	3½	26.79	5.20
5.50R12	520	545	570	595	620	650	670	705	725	750	775	800	825	4	26.93	5.59
5.60R12	600	630	655	685	715	740	770	800	825	850	875	905	930	4	27.83	5.71
5.00R13	535	555	575	590	615	630	650	670	690	705	725	745	765	3½	26.64	5.04
5.20R13	570	595	620	645	670	695	720	750	770	795	820	845	870	3½	27.72	5.20
5.50R13	575	600	625	650	675	695	725	750	775	795	825	850	875	4	27.95	5.59
5.60R13	655	685	710	740	765	795	825	855	880	905	935	960	990	4	28.92	5.71
6.00R13	675	705	735	760	790	815	845	875	900	925	950	975	1005	4	29.37	6.00
5.90R13	705	780	805	830	860	885	915	940	965	990	1015	1045	1070	4	29.74	5.91
6.40R13	810	840	870	905	940	970	1005	1040	1070	1100	1135	1165	1200	4½	31.26	6.42
6.50R13	800	830	860	890	925	960	995	1030	1060	1090	1120	1150	1180	4½	30.75	6.60
6.70R13	690	775	860	935	1000	1045	1090	1135	1175	1220	1260	1305	1340	4½	32.14	6.69
7.00R13	870	910	950	985	1025	1060	1100	1145	1175	1215	1255	1295	1335	5	31.88	7.10
7.25R13	940	980	1020	1060	1100	1135	1175	1215	1255	1290	1330	1370	1410	5	32.51	7.24
5.20R14	605	640	670	700	730	760	795	830	855	885	915	950	980	3½	28.89	5.20
5.90R14	750	785	815	845	875	905	935	970	995	1025	1055	1085	1115	4	30.76	5.91
7.00R14	925	960	1000	1040	1075	1115	1155	1195	1235	1270	1320	1350	1380	5	32.88	7.10
7.50R14	1065	1100	1140	1180	1220	1260	1300	1340	1380	1415	1460	1500	1540	5½	34.19	7.65
5.60R15	705	780	805	830	860	885	915	940	965	990	1015	1045	1070	4	30.87	5.71
6.40R15	885	925	965	1005	1040	1080	1120	1160	1200	1235	1275	1310	1350	4½	33.26	6.42
6.70R15	975	1015	1055	1095	1130	1170	1215	1255	1290	1325	1365	1405	1445	4½	33.95	7.00
7.60R15	1160	1200	1245	1285	1325	1370	1415	1465	1500	1535	1575	1610	1655	5½	36.00	7.90

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-G

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
AR70-13	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	5	30.04	7.15
BR70-13	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	5½	31.04	7.60
CR70-13	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5½	31.65	7.85
DR70-13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	32.29	8.05
CR70-14	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5½	32.23	7.65
DR70-14	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	32.78	7.90
ER70-14	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5½	33.42	8.10
FR70-14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6	34.34	8.55
GR70-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.12	8.85
HR70-14	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6½	36.31	9.40
JR70-14	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	36.86	9.55
LR70-14	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	6½	37.59	9.80
DR70-15	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	33.34	7.75
ER70-15	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5½	33.91	7.95
FR70-15	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6	34.87	8.40
GR70-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.65	8.65
HR70-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6½	36.83	9.20
JR70-15	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	37.31	9.40
KR70-15	1290	1380	1460	1540	1620	1690	1770	1830	1900	1970	2030	2090	2150	6½	37.62	9.50
LR70-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	6½	38.06	9.65
MR70-15	1420	1520	1610	1700	1780	1860	1940	2020	2090	2160	2230	2300	2370	7	38.93	10.15

[1] The letters "HR", "SR" or "VR" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-H

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145R10	465	495	525	550	580	605	630	655	680	700	725	750	770	4	24.76	5.79
125R12	370	400	430	450	475	495	515	535	555	575	595	610	630	3½	24.68	5.00
135R12	440	475	505	535	560	585	610	635	655	680	700	725	745	4	25.53	5.39
145R12	530	565	600	635	665	695	725	755	780	810	835	860	885	4	26.69	5.79
155R12	590	630	665	700	735	770	800	835	865	895	925	950	980	4½	27.36	6.18
135R13	480	515	545	575	600	630	655	680	705	730	755	780	800	4	26.53	5.39
145R13	590	630	665	700	735	770	800	835	860	890	920	950	980	4	27.59	5.79
155R13	645	690	730	770	810	845	885	915	950	985	1015	1045	1075	4½	28.44	6.18
165R13	680	730	770	820	860	900	930	970	1010	1040	1080	1110	1140	4½	29.18	6.40
175R13	790	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	4½	30.30	6.75
185R13	870	930	980	1030	1080	1130	1180	1230	1270	1310	1350	1400	1440	5	31.42	7.25
195R13	955	1010	1060	1110	1170	1220	1280	1320	1370	1420	1470	1510	1560	5½	32.38	7.70
135R14	515	550	585	615	645	675	705	730	760	785	810	835	860	4	27.54	5.39
145R14	595	635	675	715	750	785	815	850	880	910	940	965	995	4	28.54	5.79
155R14	690	740	780	820	860	900	940	970	1010	1040	1080	1110	1140	4	29.51	6.05
165R14	760	810	860	910	960	1000	1040	1080	1120	1170	1200	1240	1280	4½	30.65	6.55
175R14	840	900	950	1000	1050	1100	1140	1190	1230	1280	1320	1360	1400	5	31.63	7.00
185R14	920	980	1040	1100	1160	1210	1260	1310	1360	1410	1450	1500	1540	5	32.59	7.30
195R14	1020	1090	1150	1210	1270	1330	1390	1440	1500	1540	1590	1640	1690	5½	33.69	7.80
205R14	1110	1190	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	34.82	8.30
215R14	1210	1290	1360	1430	1510	1580	1640	1710	1770	1830	1890	1950	2010	6	35.79	8.60
225R14	1270	1350	1430	1510	1580	1660	1730	1790	1860	1920	1980	2040	2100	6½	36.44	8.95
125R15	460	490	520	550	575	605	630	655	680	705	725	745	770	3½	27.69	5.00
135R15	545	580	615	650	680	715	745	775	800	830	855	880	910	4	28.53	5.39
145R15	640	680	720	760	795	830	865	900	935	965	995	1025	1055	4	29.54	5.79
155R15	690	735	780	825	865	905	940	980	1015	1050	1085	1115	1150	4½	30.45	6.18
165R15	770	820	870	910	960	1000	1050	1090	1130	1170	1200	1240	1280	4½	31.18	6.40
175R15	840	900	950	1000	1050	1100	1140	1190	1230	1280	1320	1360	1400	5	32.30	6.90
185R15	950	1010	1070	1130	1180	1240	1290	1340	1390	1430	1480	1520	1570	5½	33.58	7.45
195R15	1020	1090	1150	1210	1270	1330	1380	1440	1490	1540	1590	1640	1690	5½	34.22	7.65
205R15	1100	1170	1240	1300	1370	1430	1490	1550	1610	1660	1720	1770	1820	6	35.20	8.10
215R15	1190	1270	1340	1410	1480	1550	1620	1680	1740	1800	1860	1910	1970	6	36.00	8.35
225R15	1270	1350	1430	1510	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	36.94	8.80
235R15	1340	1430	1510	1600	1680	1750	1830	1900	1970	2040	2110	2170	2230	6½	37.75	9.05

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-J

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES8-13

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	4½	29.74	6.60
B78-13	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	5	30.72	7.05
C78-13	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5½	31.56	7.45
B78-14	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	4½	31.04	6.65
C78-14	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5	31.95	7.05
D78-13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	32.18	7.70
D78-14	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5	32.52	7.35
E78-14	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5½	33.29	7.65
F78-14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	5½	34.04	7.90
G78-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.02	8.35
H78-14	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6	36.06	8.70
J78-14	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6	36.58	8.80
A78-15	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	4½	30.85	6.35
C78-15	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5	32.45	6.95
D78-15	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5	33.05	7.15
E78-15	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5	33.65	7.35
F78-15	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	5½	34.56	7.70
G78-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	5½	35.36	8.05
H78-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6	36.50	8.55
J78-15	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6	37.02	8.70
L78-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	6	37.73	8.85
N78-15	1500	1600	1700	1790	1880	1970	2050	2130	2210	2280	2360	2430	2500	7	39.50	9.80

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-K

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A60-13	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	5½	30.00	7.85
B60-13	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	6	30.95	8.35
C60-13	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	6	31.58	8.60
D60-13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	6	32.20	8.85
D60-14	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	6	32.72	8.65
E60-14	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	7	33.69	9.30
F60-14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	7	34.44	9.55
G60-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	7	35.23	9.85
H60-14	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	7	36.20	10.25
J60-14	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	7	36.70	10.45
L60-14	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	8	37.83	11.10
B60-15	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	5½	31.85	7.80
C60-15	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	6	32.66	8.25
E60-15	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	6	33.83	8.70
F60-15	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6½	34.75	9.20
G60-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	7	35.73	9.70
H60-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	7	36.70	10.05
J60-15	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	7	37.20	10.25
L60-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	7	37.91	10.50

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-L

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50 SERIES" CANTILEVERED SIDEWALL TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
E50C-16			1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	3½	33.31	7.95
F50C-16			1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	3½	34.04	8.20
G50C-17			1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	3½	35.34	8.45
H50C-17			1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	3½	36.30	8.80
L50C-18			1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	3½	38.00	9.10

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-M

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
AR78-13	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	4½	29.55	6.50
BR78-13	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	4½	30.31	6.75
CR78-13	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5	31.13	7.15
BR78-14	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	4½	30.84	6.60
CR78-14	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	5	31.67	7.00
DR78-14	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5	32.26	7.20
ER78-14	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5	32.86	7.40
FR78-14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	5½	33.78	7.85
GR78-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	34.78	8.30
HR78-14	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6	35.77	8.60
JR78-14	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	36.47	8.95
AR78-15	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	4½	30.66	6.25
BR78-15	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	4½	31.38	6.45
ER78-15	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5½	33.58	7.45
FR78-15	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	5½	34.28	7.70
GR78-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.30	8.15
HR78-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	6	36.23	8.45
JR78-15	1260	1350	1430	1500	1580	1650	1720	1790	1860	1920	1980	2040	2100	6½	36.98	8.80
LR78-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	6½	37.66	9.00
MR78-15	1420	1520	1610	1700	1780	1860	1940	2020	2090	2160	2230	2300	2370	6½	38.35	9.20
NR78-15	1500	1600	1700	1790	1880	1970	2050	2130	2210	2280	2360	2430	2500	7	39.17	9.71

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-N

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
165/70 R 10	585	600	615	630	650	665	680	700	715	730	745	760	780	4½	25.50	6.50
175/70 R 12			780	805	830	855	880	900	925	950	970	995	1020	5	28.21	6.92
165/70 R 13			750	770	795	815	835	860	880	900	920	940	960	4½	28.45	6.50
175/70 R 13			845	865	890	910	935	955	980	1000	1025	1045	1070	5	29.31	6.92
185/70 R 13			940	965	990	1015	1040	1065	1090	1115	1140	1165	1190	5	30.39	7.31
195/70 R 13			1045	1070	1100	1125	1155	1180	1210	1240	1265	1290	1320	5½	31.20	7.74
205/70 R 13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	32.29	8.05
155/70 R 14			700	720	740	760	780	795	815	835	850	870	890	4	28.15	5.93
175/70 R 14			880	905	925	950	975	1000	1025	1050	1075	1100	1125	5	30.33	6.92
185/70 R 14			990	1015	1045	1070	1100	1130	1155	1180	1210	1235	1265	5	31.39	7.31
195/70 R 14			1090	1120	1155	1185	1220	1250	1280	1310	1340	1375	1405	5½	32.30	7.74
175/70 R 15			940	965	990	1015	1040	1065	1090	1115	1140	1165	1190	5	31.36	6.92
185/70 R 15			1040	1070	1100	1130	1155	1180	1210	1235	1265	1290	1320	5	32.34	7.31
225/70 R 15	1000	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.65	8.65

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-O

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
140 R 12			490	520	550	580	610	640	660	690	710	740	770	4	26.20	5.40
150 R 12			570	610	640	670	700	730	760	790	820	850	880	4	27.19	5.75
150 R 13			600	640	680	720	750	780	810	840	870	900	940	4	28.17	5.75
160 R 13			670	700	740	780	820	860	900	940	980	1010	1040	4½	29.23	6.25
170 R 13			720	760	800	840	880	920	960	1000	1040	1080	1110	5	30.08	6.60
150 R 14			640	670	710	750	780	820	860	900	940	970	1000	4	29.16	5.75
180 R 15			920	970	1020	1070	1120	1170	1230	1280	1330	1380	1430	5	32.97	6.85

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-P

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "45 SERIES" CANTILEVERED SIDEWALL TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
G45C-16			1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	5	35.53	9.70

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-R

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
AR60-13	720	770	810	860	900	940	980	1020	1060	1090	1130	1160	1200	5½	30.00	7.85
BR60-13	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	6	30.95	8.35
ER60-13	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	6	32.81	9.05
FR60-14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6½	34.25	9.35
GR60-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	7	35.24	9.85
ER60-15	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	6	33.84	8.70
FR60-15	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6½	34.75	9.20
GR60-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6½	35.52	9.50
HR60-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	7	36.70	10.05
LR60-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	7	37.91	10.50

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-S

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
185/60 R 13			780	815	845	880	915	945	980	1010	1045	1075	1110	5	28.61	7.28
205/60 R 14	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	6	31.62	8.19
245/60 R 14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6½	34.25	9.35
265/60 R 14	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	7	36.20	10.25
215/60 R 15	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	6	33.25	8.50
255/60 R 15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	7	36.70	10.05

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-T

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/70 R13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	32.29	8.05
205/70 R14	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5½	33.42	8.10
215/70 R14	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6	34.34	8.55
225/70 R14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.12	8.85
195/70 R15	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	5½	33.34	7.75
205/70 R15	950	1010	1070	1130	1190	1240	1300	1350	1400	1440	1490	1540	1580	5½	33.91	7.95
215/70 R15	1020	1090	1160	1220	1280	1340	1400	1450	1500	1550	1610	1650	1700	6	34.87	8.40
225/70 R15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	6	35.65	8.65

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-U

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" CANTILEVERED SIDEWALL TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C60C-15	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	4	31.92	7.35

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-V

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
B50-13	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	6½	30.84	9.15
G50-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	8	35.29	10.95
H50-14	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	8	36.24	11.35
M50-14	1420	1520	1610	1700	1780	1860	1940	2020	2090	2160	2230	2300	2370	9	38.51	12.55
N50-14	1500	1600	1700	1790	1880	1970	2050	2130	2210	2280	2360	2430	2500	9	39.17	12.85
G50-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	7	35.38	10.35
H50-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	8	36.76	11.15
L50-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	8	37.94	11.65
N50-15	1500	1600	1700	1790	1880	1970	2050	2130	2210	2280	2360	2430	2500	9	39.65	12.65

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-W

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
GR50-15	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1780	1830	7	35.38	10.35
HR50-15	1200	1290	1360	1440	1510	1580	1650	1710	1770	1830	1890	1950	2010	8	36.76	11.15
LR50-15	1340	1430	1520	1600	1680	1750	1830	1900	1970	2040	2100	2170	2230	8	37.94	11.65

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

FMVSS NO. 110 - APPENDIX A

TABLE I

ALTERNATIVE RIMS

Tire size [2]	Rim [1] [2]
TABLE I-A	
6.00-13	4-JJ, 5-JJ, 5½-JJ, 6-JJ
7.35-14	6-JJ
6.85-15	4½-JJ, 5½-JJ
7.00-15	*5.00F, 5-K*
7.75-15	6½-JJ
8.25-15	5-JJ, 5½-JJ, *6-JJ, 6-K, 6-L,* 6½-JJ
8.55-15	5½-JJ, *6-JJ, 6-K, 6-L,* 6½-JJ
8.90-15	6-JJ, 6½-*L*, 7-L
9.00-15	6½-JJ
9.15-15	5½-JJ, 5½-K
L84-15	5½-JJ, *6-JJ,* 6½-JJ, 7-JJ
TABLE I-B	
A70-13	*5-JJ,* 5½-JJ, 6-JJ
C70-13	5-JJ, 5½-*JJ*, 6-JJ
D70-13	5½-*JJ*, 5½-*K*
D70-14	5-JJ
E70-14	7-JJ
F70-14	7-JJ, 8-JJ
G70-14	7-JJ
H70-14	*6-JJ,* 7-JJ
C70-15	5½-*JJ*
E70-15	7-JJ, 8-JJ
F70-15	8-JJ
G70-15	7-JJ, 7½-K, 8-JJ
H70-15	8-JJ
TABLE I-C	
4.80-10	3.50D
5.60-14	4½-JJ
6.40-15	4-JJ, *4½-JJ, 4½-K, 4.50E,* 5.00E, 5-JJ, 5-K, 5½-JJ
155-13/6.15-13	5-JJ
165-13/6.45-13	5½-JJ
175-13/6.95-13	5½-JJ
5.0-15	3.50B, 3.50D, 3½-JJ, *4-JJ, 4.00C*
5.5-15	3.50D, 3½-JJ, *4-JJ,* 4½-JJ
TABLE I-D	
145-10	3.50B
145-13	3½-JJ, 4½-JJ
165-13	*4½-JJ*
175-13	4-JJ
135-15	4½-JJ
185-15	4½-JJ
220-15	5½-JJ, *6-JJ,* 6½-JJ
230-15	6-JJ, 6½-*JJ*, 7-JJ
240-15	6-JJ, 6½-*JJ*, 7-JJ
TABLE I-E	
6.2-13	4½-JJ
6.5-13	*4½-JJ,* 5-JJ
TABLE I-F	
5.20-13	4½-JJ
5.60-13	3½-JJ, 4-JJ
6.00-13	*4-JJ*
5.60-15	5-K
TABLE I-G	
AR70-13	*5-JJ*
BR70-13	5-JJ, 5½-*JJ*, 6-JJ
CR70-13	5-JJ, 5½-*JJ*
DR70-13	5½-*JJ*
CR70-14	5½-*JJ*
DR70-14	6-JJ, 6½-JJ, 6½-K
ER70-14	6-JJ
FR70-14	5½-JJ, 6½-JJ, 7-JJ, 8-JJ
GR70-14	7-JJ
HR70-14	6-JJ, 6½-*JJ*, 7-JJ
ER70-15	6-JJ, 6½-JJ, 7-JJ
FR70-15	6½-JJ, 7-JJ, 7½-K, 7½-L
GR70-15	6½-JJ, 7-JJ, 7-L, 7½-K, 8-JJ, 8-K, 8½-L
HR70-15	6-JJ, 6½-*JJ*, 7-JJ
JR70-15	6-JJ, 6½-*JJ*
LR70-15	6-JJ, 6½-*JJ*
MR70-15	6-JJ, 6½-JJ, *7-JJ*
TABLE I-H	
155R12	*4-JJ*
135R13	4½-JJ
145R13	4½-JJ, 4.50B, 5-JJ
155R13	4-JJ, 4.50B, 5-JJ, 5½-JJ, 5.00B
165R13	4-JJ, 4½-JJ, 4.50B, 5.50B, 5½-JJ
175R13	4-JJ, 5½-JJ, 6-JJ
165R14	5-JJ, 5½-JJ
175R14	4½-JJ, 6-JJ
185R14	6½-JJ
205R14	7½-JJ, 7½-K
135R15	4½-JJ
165R15	4-JJ, 5-K, 5½-JJ
205R15	6½-L, 7½-K, 7-L
TABLE I-J	
A78-13	4-JJ, *4½-JJ,* 5-JJ, 5½-JJ, 6-JJ
B78-13	*5-JJ*
C78-13	5½-*JJ*
D78-13	5½-*JJ*
B78-14	*4½-JJ, 4½-K,* 5-JJ, 5-K, 5½-JJ
C78-14	4½-JJ, 5-*JJ*, 5-*K*, 5½-JJ, 6-JJ
D78-14	4½-JJ, 5-*JJ*, 5-*K*, 5½-JJ, 6-JJ
E78-14	4½-JJ, 5-JJ, 5-K, 5½-*JJ*, 5½-*K*, 6-JJ, 6½-JJ 7-JJ
F78-14	5-JJ, 5-K, 5½-*JJ*, 5½-*K*, 6-JJ, 6-K, 6½-JJ, 7-JJ
G78-14	5-JJ, 5½-JJ, 5½-K, *6-JJ, 6-K,* 7-JJ
H78-14	5½-JJ, *6-JJ, 6-K,* 6½-JJ, 6½-K, 7-JJ
J78-14	6-*JJ*, 6-*K*, 6½-JJ
A78-05	*4½-JJ*
C78-15	4½-JJ, 4½-K, 5-*JJ*, 5-*K*
D78-15	5-*JJ*, 5-*K*
E78-15	4½-K, 5-*JJ*, 5-*K*, 5½-JJ, 5½-K, 6-JJ
F78-15	4½-K, 5-JJ, 5-K, 5½-*JJ*, 5½-*K*, 6-JJ, 6½-JJ
G78-15	5-JJ, 5-K, 5½-*JJ*, 5½-*K*, 6-JJ, 6-K, 6-L, 6½-JJ, 7-JJ
H78-15	5½-JJ, 5½-K, *6-JJ, 6-K, 6-L,* 6½-K, 6½-JJ, 7-JJ
J78-15	5½-JJ, *6-JJ, 6-K, 6-L,* 6½-JJ, 7-JJ
L78-15	5½-JJ, 5½-K, *6-JJ, 6-K, 6-L,* 6½-JJ, 7-JJ, 8-JJ
N78-15	6-JJ, *7-JJ*
TABLE I-K	
A60-13	5½-*JJ*
B60-13	*6-JJ,* 7-JJ
C60-13	*6-JJ*
D60-13	*6-JJ*
D60-14	*6-JJ*
E60-14	*7-JJ*
F60-14	*7-JJ*
G60-14	*7-JJ*
H60-14	6½-JJ, *7-JJ*
J60-14	*7-JJ,* 7½-JJ
L60-14	*8-JJ*
B60-15	5½-*JJ*
C60-15	5½-JJ, *6-JJ,* 7-K
E60-15	*6-JJ,* 7-JJ, 8-JJ
F60-15	6½-*JJ*, 7-JJ, 8-JJ
G60-15	*7-JJ,* 8-JJ, 9-JJ
H60-15	*7-JJ,* 8-K
J60-15	*7-JJ,* 7½-JJ
L60-15	*7-JJ,* 7½-JJ
TABLE I-L	
E50C-16	*3½*
F50C-16	*3½*
G50C-17	*3½*
H50C-17	*3½*
L50C-18	*3½*, 4
TABLE I-M	
AR78-13	*4½-JJ*
BR78-13	4-JJ, *4½-JJ,* 5-JJ, 5½-JJ, 6-JJ
CR78-13	*5-JJ*
BR78-14	*4½-JJ*
CR78-14	*5-JJ*
DR78-14	4½-JJ, 5-*JJ*, 5½-JJ, 6-JJ
ER78-14	*5-JJ,* 5½-JJ, 6-JJ
FR78-14	5-JJ, 5½-*JJ*, 6-JJ, 7-JJ
GR78-14	5½-JJ, *6-JJ*
HR78-14	5½-JJ, *6-JJ,* 7-JJ
JR78-14	6½-*JJ*
AR78-15	*4½-JJ*
BR78-15	*4½-JJ*
ER78-15	5½-*JJ*
FR78-15	5½-*JJ*, 6-JJ, 7-JJ
GR78-15	5½-JJ, 6-*JJ*, 6½-JJ, 7-JJ
HR78-15	5½-JJ, 6-*JJ*, 6½-JJ, 7-JJ
JR78-15	5½-JJ, 6-JJ, 6½-*JJ*
LR78-15	6-JJ, 6½-*JJ*
MR78-15	6½-*JJ*
NR78-15	*7-JJ*
TABLE I-N	
165/70R10	*4½-JJ*
175/70R12	4½-JJ, *5-JJ*
165/70R13	*4½-JJ,* 5-JJ
175/70R13	*5-JJ,* 5½-JJ
185/70R13	4½-JJ, *5-JJ,* 5½-JJ
195/70R13	5½-*JJ*, 6-JJ
205/70R13	5½-*JJ*
155/70R14	*4-JJ*
175/70R14	*5-JJ,* 5½-JJ
185/70R14	4½-JJ, *5-JJ,* 5½-JJ, 6-JJ
195/70R14	5-JJ, 5½-*JJ*, 6-JJ
175/70R15	*5-JJ,* 5½-JJ
185/70R15	*5-JJ,* 5½-JJ, 6-JJ, 7-K
TABLE I-O	
140R12	*4.00, 4.00B, 4-JJ,* 4.50, 4.50B, 4½-JJ
150R12	3½-JJ, *4.00B,* 4-JJ, 4½-JJ
150R13	3½-JJ, *4.00B,* 4-JJ, 4½-JJ, 5-JJ
160R13	4.00B, *4½-JJ,* 5-JJ, 5½-JJ
170R13	4½-JJ, *5-JJ,* 5½-JJ, 6-JJ
150R14	*4-JJ,* 4½-JJ
180R15	*5-JJ,* 5½-JJ
TABLE I-P	
G45C16	5
TABLE I-R	
AR60-13	5½-*JJ*
BR60-13	*6-JJ*
ER60-13	*6-JJ*
FR60-14	6½-*JJ*, 7-JJ
GR60-14	*7-JJ*
ER60-15	*6-JJ,* 7-JJ
FR60-15	6½-*JJ*, 7-JJ, 8-JJ
GR60-15	6½-*JJ, 7-JJ,* 8-JJ
HR60-15	*7-JJ,* 9-L
LR60-15	7-JJ, 8-JJ
TABLE I-S	
185/60R13	*5-JJ,* 5½-JJ
205/60R14	*6-JJ,* 7-JJ
245/60R14	6½-*JJ*, 7-JJ
265/60R14	*7-J,* 9-JJ
215/60R15	*6-JJ,* 7-JJ
255/60R15	*7-JJ,* 9-JJ, 9-L
TABLE I-T	
205/70R13	5½-*JJ*, 6-JJ, 6½-JJ
205/70R14	5½-*JJ*, 6-JJ, 6½-JJ, 7½-L
215/70R14	5½-JJ, 6-*JJ*, 6½-JJ, 7-JJ, 8-JJ
225/70R14	6-*JJ*, 7½-K
195/70R15	5½-*JJ*, 6-JJ
205/70R15	5½-*JJ*, 6-JJ, 6½-JJ, 6½-L, 7-JJ
215/70R15	6-*JJ*, 6½-JJ, 6½-L, 7-JJ, 7-L, 7½-JJ, 7½-L, 7½-K, 8-K
225/70R15	6-*JJ*, 6½-JJ, 6½-K, 7-K, 7-L, 7½-K, 8-K, 8½-L, 9-L
TABLE I-U	
C60C-15	*4-JJ,* 4½-JJ
TABLE I-V	
B50-13	6½-*JJ*
G50-14	*8-JJ*
H50-14	*8-JJ*
M50-14	*9-JJ*
N50-14	*9-JJ*
G50-15	*7-JJ*
H50-15	*8-JJ*
L50-15	*8-JJ*
N50-15	*9-JJ*

NOTES

1¹ Italic designations denote test rims

2² Where JJ rims are specified in the above tables, J and JK rim contours are permissible v

3³ Table designations refer to tables listed in appendix "A" of FMVSS No. 109

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