

# federal register

THURSDAY, NOVEMBER 15, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 220

Pages 31499-31660

## PART I



### HIGHLIGHTS OF THIS ISSUE

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

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

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

page no.  
and date

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**federal register**

Phone 523-5240

Area Code 202



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

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

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# Rules and Regulations

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

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

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

#### PART 213—EXCEPTED SERVICE

##### Office of Economic Opportunity

Section 213.3373 is amended to show that the following positions are no longer excepted under Schedule C: One Confidential Assistant to the Associate Director for Congressional Relations, one Policy Advisor, Office of Planning and Program Analysis, and one Confidential Staff Assistant to the Associate Director for Legal Services.

Effective on November 15, 1973, §§ 213.-3373(a) (19), 213.3373(e) (4), and 213.-3373(g) are revoked.

((5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1954-58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.73-24411 Filed 11-14-73;8:45 am]

#### PART 213—EXCEPTED SERVICE

##### Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Secretary for Public Affairs is excepted under Schedule C.

Effective November 15, 1973, § 213.3314 (a) (31) is added as set forth below.

§ 213.3314 Department of Commerce.

(a) Office of the Secretary. \* \* \*

(31) One Special Assistant to the Special Assistant to the Secretary for Public Affairs.

((5 U.S.C. Secs. 3301, 3302); E.O. 10577, 3 CFR 1954-58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-24336 Filed 11-14-73;8:45 am]

## Title 21—Food and Drugs

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

#### SUBCHAPTER C—DRUGS

##### STERILE CEFAZOLIN SODIUM

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to approval of the antibiotic drug sterile cefazolin sodium.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141, 145 and 148w are amended as follows to provide for certification of the antibiotic drug sterile cefazolin sodium:

#### PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

##### 1. Part 141 is amended:

a. In § 141.5(b) by alphabetically inserting a new item in the table, as follows:

##### § 141.5 Safety test.

(b) \* \* \*

Antibiotic drug	Diluent (diluent number as listed in § 141.5)	Test dose		Route of administration as described in paragraph (c) of this section
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	
Cefazolin sodium		3 50 mg	0.5	Intravenous

b. In § 141.110(a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

##### § 141.110 Microbiological agar diffusion assay.

(a) \* \* \*

Antibiotic	Media to be used (as listed by medium number in § 141.108(b))		Milliliters of media to be used in the base and seed layers		Test Organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
	Base layer	Seed layer	Base layer	Seed layer			
Cefazolin	2	1	21	4	A	0.05	32-38

(b) \* \* \*



Antibiotic	Drying conditions (method number as listed in § 141.501)	Initial solvent	Working standard stock solutions			Standard response line concentrations	
			Diluent (solution number as listed in § 141.102(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Dilu- ent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Cefazolin	Not dried	10,000 µg per ml. in solution 6.	1	1 mg.	5 days	1	0.64, 0.80, 1.00, 1.25, 1.50 µg.

c. In § 141.507(b) and (c) by alphabetically inserting a new item in the respective tables as follows:

§ 141.507 Hydroxylamine colorimetric assay.

(b) \* \* \*

Antibiotic	Diluent (solution number as listed in § 141.102(a))	Final con- centration in milligrams per milliliter of standard solution
Cefazolin <sup>1</sup>	1	1.0

<sup>1</sup> To prepare the working standard solution, proceed as directed in the individual section of the antibiotic drug regulation in this chapter for the antibiotic to be tested.

(c) \* \* \*

Antibiotic	Diluent (solution number as listed in § 141.102(a))	Final con- centration in milligrams per milliliter of sample
Cefazolin sodium	1	1.0

**PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS**

2. Part 145 is amended:

a. In § 145.3 by adding a new subparagraph to paragraph (a) and another to paragraph (b), as follows:

§ 145.3 Definitions of master and working standards.

(a) \* \* \*

(51) *Cefazolin*. The term "cefazolin master standard" means a specific lot of cefazolin that is designated by the Commissioner as the standard of comparison in determining the potency of the cefazolin working standard.

(b) \* \* \*

(51) *Cefazolin*. The term "cefazolin working standard" means a specific lot of a homogeneous preparation of cefazolin.

b. In § 145.4(b) by adding a new subparagraph, as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) \* \* \*

(54) *Cefazolin*. The term "microgram" applied to cefazolin means the cefazolin activity (potency) contained in 1,005 micrograms of the cefazolin master standard.

**PART 148w—CEPHALOSPORIN**

3. Part 148w is amended by adding the following new section:

§ 148w.11 Sterile cefazolin sodium.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile cefazolin sodium is the sodium salt of 3-[[[5-methyl-1,3,4-thiadiazol-2-yl)-thio]methyl]-7-[2-(1H-tetrazol-1-yl)acetamido]-3-cephem-4-carboxylic acid. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms and not more than 1050 micrograms of cefazolin per milligram calculated on an anhydrous basis. If it is packaged for dispensing, its cefazolin content is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of cefazolin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 6 percent.

(vi) Its pH is an aqueous solution containing 100 milligrams of cefazolin per milliliter is not less than 4.0 and not more than 6.0.

(vii) The specific rotation in a 0.1M sodium bicarbonate solution containing 50 milligrams of cefazolin per milliliter at 25° C. is  $-17 \pm 7^\circ$  calculated on an anhydrous basis.

(viii) It gives a positive identity test for cefazolin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, specific rotation and identity.

(ii) Samples required:

(a) If the batch is packaged for repackaging or for use in the manufacture of another drug:

(1) For all tests except sterility: 9 packages, each containing approximately 500 milligrams, and 1 package containing approximately 5 grams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 12 immediate containers, except if each contains less than 500 milligrams, a minimum of 16 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency—(i) Sample preparation.* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents. Dilute with sufficient solution 1 to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 micrograms of cefazolin per milliliter (estimated).

(b) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, preparing the working standard solution as follows: Dissolve an accurately weighed portion of approximately 30 milligrams of cefazolin working standard in 3 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and further dilute with solution 1 to the final concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 50 milligrams of cefazolin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.



(6) *pH*. Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 100 milligrams of cefazolin per milliliter.

(7) *Specific rotation*. Proceed as directed in § 141.520 of this chapter, using a solution containing 50 milligrams of cefazolin per milliliter in 0.1M sodium bicarbonate and a polarimeter tube 1.0 decimeter in length. Calculate the specific rotation on an anhydrous basis.

(8) *Identity*. Using a 0.002 percent solution of the sample in 0.1M sodium bicarbonate solution and a suitable spectrophotometer, record the ultraviolet spectrum from 220 to 340 nanometers. The spectrum compares qualitatively to that of the cefazolin working standard similarly tested.

Since the conditions prerequisite to providing for certification of subject antibiotic have been complied with and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

*Effective date*. This order shall be effective on November 15, 1973.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated November 6, 1973.

MARY A. McENIRY,  
Assistant to the Director for  
Regulatory Affairs, Bureau of  
Drugs.

[FR Doc.73-24196 Filed 11-14-73; 8:45 am]

# SUBCHAPTER C—DRUGS

## STERILE CEPHAPIRIN SODIUM

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food,

Drug, and Cosmetic Act, as amended, with respect to approval of the antibiotic drug sterile cephalixin sodium.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)), and under authority delegated to the Commissioner (21 CFR

2.120), Parts 141, 145 and 148w are amended as follows to provide for certification of the antibiotic drug sterile cephalixin sodium:

## PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### 1. Part 141 is amended:

a. In § 141.5(b) by alphabetically inserting a new item in the table, as follows:

#### § 141.5 Safety test.

Antibiotic drug	Diluent (diluent number as listed in § 141.5)	Test dose		Route of administration as described in paragraph (c) of this section
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	
Cephalixin sodium		3.40 mg.	.5	Intravenous.

b. In § 141.110(a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

#### § 141.110 Microbiological agar diffusion assay.

Antibiotic	Media to be used (as listed by medium number in § 141.103(b))		Milliliters of media to be used in the base and seed layers		Test Organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
	Base layer	Seed layer	Base layer	Seed layer			
Cephalixin	2	1	21	4	A	0.08	32-35

(b) . . .

#### Working standard stock solutions

Antibiotic	Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Standard response line concentrations	
						Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Cephalixin	Not dried	1	1 mg.	3 days	1	0.64, 0.50, 1.00, 1.25, 1.56 µg.	

c. In § 141.506 (b) (1) and (b) (2) by alphabetically inserting a new item in the respective tables, as follows:

#### § 141.506 Iodometric assay.

Antibiotic	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of standard solution
Cephalixin	None	Distilled water	2 milligrams

(2) . . .



Antibiotic	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of sample
Cephapirin sodium	None	Distilled water	2 milligrams

d. In § 141.507(b) and (c) by alphabetically inserting a new item in the respective tables, as follows:

§ 141.507 Hydroxylamine colorimetric assay.

(b) \* \* \*

Antibiotic	Diluent (solution number as listed in § 141.102(a))	Final concentration in milligrams per milliliter of standard solution
Cephapirin	Distilled water	1.0

(c) \* \* \*

Antibiotic	Diluent (solution number as listed in § 141.102(a))	Final concentration in milligrams per milliliter of sample
Cephapirin sodium	Distilled water	1.0

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

2. Part 145 is amended:

a. In § 145.3 by adding a new subparagraph to paragraph (a) and a new subparagraph to paragraph (b), as follows:

§ 145.3 Definitions of master and working standards.

(a) \* \* \*

(50) *Cephapirin*. The term "cephapirin master standard" means a specific lot of cephapirin that is designated by the Commissioner as the standard of comparison in determining the potency of the cephapirin working standard.

(b) \* \* \*

(50) *Cephapirin*. The term "cephapirin working standard" means a specific lot of a homogenous preparation of cephapirin.

b. In § 145.4(b) by adding a new subparagraph, as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) \* \* \*

(53) *Cephapirin*. The term "microgram" applied to cephapirin means the cephapirin activity (potency) contained in 1.0616 micrograms of the cephapirin master standard.

PART 148w—CEPHALOSPORIN

3. Part 148w is amended by adding the following new section:

§ 148w.10 Sterile cephapirin sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Sterile cephapirin sodium is the sodium salt of 7-[α-(4-pyridylthio)-acetamido]-cephalosporanic acid. It is a white to off-white powder. It is so purified and dried that:

(i) Its potency is not less than 855 micrograms and not more than 1,000 micrograms of cephapirin per milligram on an "as is" basis. If it is packaged for dispensing, its content is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephapirin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 2.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams of cephapirin per milliliter is not less than 6.5 and not more than 8.5.

(vii) Its cephapirin content is not less than 92 percent and not more than 105 percent on an anhydrous basis.

(viii) It gives a positive identity test for sodium cephapirin.

(ix) It is crystalline.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, cephapirin content, identity, and crystallinity.

(ii) Samples required:

(a) If the batch is packaged for repackaging or for use in the manufacture of another drug:

(1) For all tests except sterility: 9 packages, each containing approximately 500 milligrams, and 1 package containing approximately 5 grams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 14 immediate containers, except if each contains less than 1 gram, a minimum of 19 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*. Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay*. Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with solution 1 to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephapirin per milliliter (estimated).

(ii) *Iodometric assay*. Proceed as directed in § 141.506 of this chapter. In addition if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with distilled water to the prescribed concentration.

(iii) *Hydroxylamine colorimetric assay*. Proceed as directed in § 141.507 of this chapter. In addition, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with distilled water to the prescribed concentration.

(2) *Sterility*. Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this chapter, using a solution containing 100 milligrams of cephapirin per milliliter.



(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Cephapirin content.* Transfer an accurately weighed 400- to 500-milligram sample to a 250-milliliter Erlenmeyer flask, add 50 milliliters of glacial acetic acid, and, while stirring, warm in a 70° C. water bath until the sample is completely dissolved. Add three drops of a 0.5 percent solution of crystal violet in glacial acetic acid as indicator, and ti-

trate with 0.1N perchloric acid in glacial acetic acid (previously standardized against diphenylguanidine) to the first clear green end point. Each milliliter of 0.1N perchloric acid is equivalent to 22.275 milligrams of cephapirin. Calculate the cephapirin content on the anhydrous basis.

(8) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 1.0 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

(9) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

As the conditions prerequisite to providing for certification of subject anti-

biotic have been complied with and as the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

*Effective date.* This order shall be effective November 15, 1973.

(Sec. 507, 50 Stat. 463, as amended; (21 U.S.C. 357).)

Dated November 6, 1973.

MARY A. MCENIRY,  
Assistant to the Director for  
Regulatory Affairs, Bureau of  
Drugs.

[FR Doc. 73-24197 Filed 11-14-73; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-250]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Massachusetts	Franklin	Essex, Township of				Nov. 14, 1973. Emergency.
North Carolina	Chowan	Edenton, Town of				Do.
Do.	Burke	Morganton, City of				Do.
Pennsylvania	Wyoming	Braintown, Township of				Do.
Texas	Medina	Devine, City of				Do.
Wisconsin	Milwaukee	Hales Corners, Village of				Nov. 13, 1973. Emergency.

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

Issued November 7, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 73-24289 Filed 11-14-73; 8:45 am]



## RULES AND REGULATIONS

[Docket No. FI-249]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Palm Beach	Boynton Beach, City of				Nov. 8, 1973.
New York	Onondaga	De Witt, Town of				Emergency.
Do.	do.	Manlius, Town of				Do.
Texas	Gonzales	Unincorporated Areas				Do.
Virginia	Pulaski	Pulaski, Town of				Do.

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

Issued November 2, 1973.

[FR Doc.73-24290 Filed 11-14-73; 8:45 am]

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[Docket No. FI-247]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Georgia	Colquitt	Moultrie, City of				Nov. 12, 1973.
New York	Niagara	Pendleton, Town of				Emergency.
Ohio	Summit	Stow, City of				Do.
Pennsylvania	Perry	Oliver, Township of				Do.
South Carolina	Dorchester	Summerville, Town of				Do.
Texas	Hardin	Unincorporated areas				Do.
Wisconsin	Waukesha	Menomonee Falls, Village of				Do.

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

Issued November 6, 1973.

[FR Doc.73-24291 Filed 11-14-73; 8:45 am]

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.



[Docket No. FI-248]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Michigan	Huron	Cassville, Township of.				Nov. 9, 1973.
Missouri	Genevieve	St. Mart's, City of.				Emergency.
Virginia	Prince Edward and Cumberland	Farmville, Town of.				Do.

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

Issued November 2, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 73-24292 Filed 11-14-73; 8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 2—PUBLIC USE AND RECREATION

Pictured Symbol Signs

A proposal was published at pages 16375-16379 of the FEDERAL REGISTER of October 20, 1970, to amend Part 2 of Title 36 of the Code of Federal Regulations by the addition of § 2.35.

The effect of this addition is to prescribe and adopt a system of pictured symbol signs that would be utilized in areas of the National Park System for the information and regulatory guidance of visitors.

Interested persons, groups and organizations were given ample time to submit written comments, suggestions, or objections on the proposal to employ

these pictured symbol signs. Careful consideration was given to all those received. Further, the National Park Service of the Department of the Interior and the Federal Highway Administration of the Department of Transportation, on August 3, 1973, entered into a Memorandum of Understanding for the purpose of conforming all discrepancies between the "Manual on Uniform Traffic Control Devices" and the National Park Service Sign System Specifications until the "Specifications" are revised to reflect necessary changes and official rulings on requests for interpretation, changes and experimentations have been published for the aforesaid "Manual". The subject Memorandum of Understanding was published in the entirety in the FEDERAL REGISTER of August 20, 1973, at page 22424 and a cross reference thereto was carried in the FEDERAL REGISTER of the same date at page 22453.

The new system of pictured symbol signs prescribed under § 2.35 of Title 36 of the Code of Federal Regulations will become effective on December 17, 1973.

Dated: November 12, 1973.

RUSSELL E. DICKENSON,  
Acting Director,  
National Park Service.

Section 2.35 is added to read as follows:

§ 2.35 Symbolic signs.

(a) The signs pictured below provide general information and regulatory guidance in areas of the National Park System.

(b) Certain of the signs permit or authorize various activities in park areas.

(c) Activities symbolized by a sign bearing a slash mark are prohibited.

(d) The use of other types of signs not herein depicted is not precluded.



## GENERAL

AREA WHERE FIREARMS  
ARE PERMITTED.\*AREA WHERE SMOKING IS  
PERMITTED.\*ROADWAY OR OTHER  
FACILITY WHERE AUTO-  
MOBILES PERMITTED.\*ROADWAY WHERE  
TRUCKS PERMITTED.\*

TUNNEL.

AN OBSERVATION, LOOK-  
OUT OR FIRE TOWER.

A LIGHT HOUSE.



AREA OF FALLING ROCKS.



LOCATION OF A DAM.

AREA WHERE BEARS ARE  
FREQUENT AND MIGHT BE  
VIEWED BY VISITORS.

DRINKING WATER.\*



FISH HATCHERY.

AREA WHERE DEER ARE  
FREQUENT AND MIGHT BE  
VIEWED BY VISITORS.

VISITOR INFORMATION.

RANGER STATION OR  
ADMINISTRATIVE OFFICE.ROAD CROSSING PER-  
MITTED.\*AREA WHERE PETS UNDER  
PHYSICAL CONTROL PER-  
MITTED.\*ENVIRONMENTAL STUDY  
AREA OR SPECIAL ENVI-  
RONMENTAL PROGRAM  
AREA

## ACCOMMODATIONS OR SERVICE

PUBLIC OVERNIGHT AC-  
COMMODATIONS (HOTEL,  
LODGE, MOTEL, ETC.)

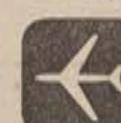
PUBLIC TELEPHONE.

RESTAURANT, CAFETE-  
RIA, SNACK SHOP, LUNCH-  
ROOM.

U.S. POST OFFICE.

GROCERIES, FOOD OR  
CAMP STORE.AUTOMOBILE OR BOAT  
REPAIRS.

MEN'S RESTROOM.

FACILITY FOR THE PHYSI-  
CALLY HANDICAPPED.RESTROOMS FOR BOTH  
MEN AND WOMEN.AIRPORT OR LANDING  
STRIP.

WOMEN'S RESTROOM.



LOCKED STORAGE.



FIRST AID STATION.

BUS OR TOUR VEHICLE  
STOP.





GAS STATION OR GAS DOCK.



PICNIC SHELTER.



VEHICLE FERRY.



AREA WHERE TRAILERS OR TRAILER CAMPING PERMITTED.\*



AREA WHERE PARKING OF MOTOR VEHICLES PERMITTED.\*



TRAILER SANITARY STATION FOR DUMPING WASTE FROM HOLDING TANKS.



SHOWER FACILITY.



AREA WHERE CAMPFIRE PERMITTED.\*



OBSERVATION POINT FROM WHICH SCENIC AND HISTORIC AREAS CAN BE SEEN OR PHOTOGRAPHED



TRAIL SHELTER, PROVIDING SOME PROTECTION FROM THE WEATHER.



TRAIL SLEEPING SHELTERS.



AREA WHERE PICNICKING PERMITTED.\*



AREA WHERE PUBLIC CAMPING PERMITTED.\*



KENNEL FOR PETS

## WINTER RECREATION



WINTER RECREATION AREA



CROSS COUNTRY SKI TRAIL.



## RULES AND REGULATIONS



AREA WHERE DOWNHILL  
SKIING PERMITTED.\*



AREA WHERE ICE SKAT-  
ING PERMITTED \*



SKI JUMP FACILITY.



TRAIL WHERE SKI BOB-  
BING PERMITTED.\*



SLEDDING AND SNOW  
PLAY AREA.\*



AREA OR TRAIL WHERE  
SNOWMOBILES PER-  
MITTED.\*

## WATER RECREATION



WATER RECREATION  
AREA, OR BOAT DOCK,  
HARBOR, BOAT SLIPS, OR  
BOAT MARINA.



AREA WHERE WATER  
SKIING PERMITTED.\*



RAMP WHERE BOAT  
LAUNCHING PERMITTED.\*



WATER OR BEACH WHERE  
SURFING ACTIVITIES ARE  
PERMITTED \*



AREA WHERE MOTOR-  
BOATS AND MOTOR  
VESSELS PERMITTED.\*



AREA WHERE SCUBA  
DIVING PERMITTED.\*



AREA WHERE SAILBOATS  
ARE PERMITTED.\*



AREA WHERE SWIMMING  
PERMITTED.\*



AREA FOR HAND  
PROPELLED VESSELS  
(ROW BOATS, CANOES,  
KAYAKS.)



AREA WHERE DIVING  
PERMITTED.\*





FISHING PERMITTED.\*

# LAND RECREATION



TRAIL OR AREA WHERE HORSE RIDING PERMITTED.\*



AMPHITHEATER, CAMP-FIRE CIRCLE OR OTHER ASSEMBLY POINT WHERE PROGRAMS ARE PRESENTED.



TRAIL WHERE MOTORCYCLES PERMITTED.\*



TRAMWAY, SKI LIFT, OR SIMILAR DEVICE.



TRAIL OR ROAD WHERE BICYCLES PERMITTED.\*



AREA WHERE HUNTING PERMITTED.\*



TRAIL WHERE OFF-ROAD RECREATION VEHICLES PERMITTED.\*



HORSE OR MULE STABLE.



HIKING TRAIL.



INTERPRETIVE TRAIL.



PLAYGROUND FOR CHILDREN.



INTERPRETIVE AUTO TOUR ROUTE



\*THE ABOVE SYMBOLS INDICATED BY ASTERISKS WHEN DISPLAYED WITH A RED SLASH SUPERIMPOSED OVER THE

SYMBOL INDICATES THE ACTIVITY IS PROHIBITED. THE DESIGN AND FORM OF SUCH A SLASH IS HERE PICTURED.

[FR Doc.73-24311 Filed 11-14-73;8:45 am]

## Title 7—Agriculture

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

[Navel Orange Reg. 299]

#### 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 16-22, 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.

#### § 907.599 Navel Orange Regulation 299.

(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.

Prices f.o.b. averaged \$5.03 a carton on a reported sales volume of 110 carlots last week, compared with an average f.o.b. price of \$5.23 per carton on a sales volume of 5 carlots a week earlier. Track and rolling supplies amounted to 22 cars on November 9, 1973.

(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 rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time 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 regulation, 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 section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 12, 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 16, 1973, through November 22, 1973, are hereby fixed as follows:

- (i) District 1: 1,000,000 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: November 13, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc.73-24519 Filed 11-14-73; 8:45 am]

## PART 959—ONIONS GROWN IN SOUTH TEXAS

### Order Amending the Order

#### § 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held in McAllen, Texas, on July 10, 1973, upon a proposed amendment of Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), regulating the handling of onions grown in the South Texas pro-

duction area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer.

(2) The order as hereby amended regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The order as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All onions handled by handlers, as defined in the order as hereby amended are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for not postponing the effective date of the amendment beyond the date specified herein and for making it effective on such date (5 U.S.C. 553) in that (1) the provisions of this order are known to handlers and other interested persons by reason of the public hearing, the recommended decision, and the final decision thereon; (2) the producer referendum was held October 5 through October 18, 1973, when a summary of the amendment was mailed to each known producer; (3) the changes affected by this amendment will not require advance preparation by handlers; and (4) no useful purpose will be served by postponing the effective date beyond that specified herein.

(c) *Determinations.* It is hereby determined that:

(1) Handlers who during the determined representative period handled not less than 50 percent of the volume of onions covered by the order as hereby amended, have signed the marketing agreement as amended regulating the handling of onions grown in South Texas; and

(2) the issuance of this order amending the order, is approved by at least two-thirds of the producers who participated in the referendum October 5 through October 18, 1973, and who during the representative period were engaged

within the production area, as defined in this order amending the order, in the production of onions for market, such producers also having produced for market at least two-thirds of the volume of such onions represented in such referendum.

It is therefore ordered, That on and after the effective date hereof, all handling of onions grown in the South Texas production area shall be in conformity to and in compliance with, the terms and conditions of the order as amended, as hereby further amended, as follows:

Section 959.48 *Research and development* is amended to read as follows:

#### § 959.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of onions. The expenses of such projects shall be paid from funds collected pursuant to § 959.42.

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

Dated November 9, 1973, to become effective November 15, 1973.

CLAYTON YEUTTER,  
Assistant Secretary.

[FR Doc.73-24399 Filed 11-14-73; 8:45 am]

## Title 9—Animals and Animal Products

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

#### SUBCHAPTER A—MANDATORY MEAT INSPECTION

### PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

#### Treatment of Pork and Products Containing Pork To Destroy Trichinae

Pursuant to the authority contained in section 21 of the Federal Meat Inspection Act (21 U.S.C. 621), § 318.10(b) of the Federal meat inspection regulations is amended to provide that products consisting of mixtures of pork and other ingredients must be treated to destroy possible live trichinae when the Administrator determines that such products might otherwise be prepared in a manner that might cause such product to be eaten rare or without thorough cooking.

*Statement of considerations.* Section 318.10(b) of the regulations lists several specific products which may not be customarily well cooked in the home or elsewhere before being consumed, and requires that such products be heated, refrigerated, or cured to destroy any possible live trichinae. However, some products containing pork, even though not specifically named in § 318.10(b), may not be well cooked before being consumed because the appearance of the finished product masks the degree of cooking.



The regulations should be amended specifically to cover such products. Although the number of trichinae-infected swine is low, the possibility of human infection exists if pork products are consumed raw, undercooked, or otherwise untreated for destruction of possible live trichinae.

Judgments on the need for treating such pork products for destruction of possible live trichinae would be made by the Administrator on each product when the application for label approval for the product is presented for approval as prescribed in Part 317 of the meat inspection regulations or upon subsequent reevaluation of the product.

Therefore, paragraph (b) of § 318.10 is amended to read as follows:

**§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.**

(b) Products named in this paragraph, and products of the character hereof, containing pork muscle tissue (not including pork hearts, pork stomachs, and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured to destroy any possible live trichinae, as prescribed in this section at the official establishment where such products are prepared: Bologna, frankfurter, vienna, and other cooked sausage; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; flavored pork sausages such as those containing wine or similar flavoring materials; cured pork sausage; sausage containing cured and/or smoked pork; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capicola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); breaded pork products; cured boneless pork loins; boneless back bacon; bacon used for wrapping around patties, steaks and similar products; and smoked pork cuts such as hams, shoulders, loins, and pork shoulder picnics (excepting smoked hams, and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates or smoked hams delivered to the Armed Services); ground meat mixtures containing pork and beef, veal, lamb, mutton, or goat meat and other product consisting of mixtures of pork and other ingredients, which the Administrator determines at the time the labeling for the product is submitted for approval in accordance with Part 317 of the regulations in this subchapter or upon subsequent reevaluation of the product, would be prepared in such a manner that the product might be eaten rare or without thorough cooking be-

cause of the appearance of the finished product or otherwise. Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

(Sec. 21, 34 Stat. 1260, as amended, (21 U.S.C. 621); 37 FR 28464, 28477)

This action relates to public health and should be made effective promptly to accomplish its purpose in the public interest. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the **FEDERAL REGISTER**.

This amendment shall become effective December 17, 1973.

Done at Washington, D.C., on November 9, 1973.

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

[FR Doc.73-24407 Filed 11-14-73; 8:45 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-SO-73; Amdt. 39-1743]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Rockwell Commander Model 112

Aileron hinges of improper material and design have been installed on a number of Rockwell Commander Model 112 airplanes, resulting in a hinge failure on at least one airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, and because the elevator trim tab hinges are made from the same basic stock, an airworthiness directive is being issued to require inspection and replacement, if necessary, of all Rockwell Commander Model 112 aileron hinges and elevator trim tab hinges.

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

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

**ROCKWELL INTERNATIONAL.** Applies to Rockwell Commander Model 112 airplanes, Serial Numbers 3 through 120, certificated in all categories.

Compliance required before further flight unless already accomplished.

To prevent failure of the aileron hinges and/or the elevator trim tab hinges, accomplish the following:

(a) Inspect all hinge halves of both ailerons and both elevator trim tabs from underside of aircraft to determine if the hinges are of the formed type made by rolling the edge of a 0.040 inch thick flat sheet or of the extruded type 0.060 inch thick.

(b) If extruded hinge halves are found in all locations, no further action is required.

(c) If a formed hinge piece is found, that complete hinge must be replaced with Rockwell Commander Part No. 42251-1 for the aileron hinges or Rockwell Commander Part No. 44020-5 for the elevator trim tab hinges before further flight. If no cracks are visually evident in any formed hinges, the airplane may be flown in accordance with FAR 21.197 to a base where the replacement can be performed.

(Rockwell International Service Bulletin No. SB-112-6 pertains to this same subject.)

This amendment becomes effective November 19, 1973.

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

Issued in East Point, Georgia on November 2, 1973.

P. M. SWATEK,  
Director, Southern Region.

[FR Doc.73-24361 Filed 11-14-73; 8:45 am]

[Docket No. 73-CE-19-AD; Amdt. 39-1745]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Beech Musketeer Airplanes

There have been reports of failures of the actuating cable in the vernier-type throttle control installed on some Beech Musketeer airplanes. These failures make it difficult or impossible for the pilot to control engine power and could result in an accident. Investigations have disclosed that the failures are caused by the throttle control system being forced out of proper adjustment by the pilot's abuse and misuse of the throttle control. Subsequent to the manufacture of the affected airplanes, an improved throttle arm attachment method has been developed which is resistant to slippage and thus the throttle arm cannot be forced out of proper adjustment by excessive force being applied to the throttle. Since the condition described herein could exist or develop in other affected airplanes of the same type design, the FAA is issuing an Airworthiness Directive (AD) requiring inspection of those Beech Musketeer Airplanes having the vernier-type throttle control installed to detect damage and the replacement thereof where necessary. In addition, the AD will require on these airplanes installation of carburetor components having the improved throttle arm attachment features.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.



In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

**BEECH.** Applies to all Models A23-19, 19A, M19A, and B19 (S/Ns MB-1 thru MB-557); and all Models 23, B23, and C23 (S/Ns M-1 thru M-554, M-1095 thru M-1415, M-1419, M-1423, M-1439, and M-1447) airplanes, having the vernier-type throttle control.

Compliance: Required as indicated, unless already accomplished.

To prevent throttle control actuating cable failure and loss of proper adjustment of the throttle control system, within 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) Inspect the throttle control cable in accordance with the following procedures:

1. Remove the engine cowling, disconnect the throttle control cable from the carburetor throttle arm, and remove the carburetor from the engine.

2. Move the throttle control through its full travel several times and check by feel for binding or roughness.

3. Lock the cockpit throttle control in the full forward position and apply approximately 50 lbs. pressure at the throttle cable rod end in a direction to force the control cable back into the housing. While this pressure is applied, mark the throttle control cable at the end of the housing.

4. Apply a pulling force of approximately 50 lbs. to the cable rod end and while this force is applied place another mark on the throttle control cable at the end of the housing.

5. If the throttle lock gives under either loading condition specified in Paragraphs A (3) and A(4) or if binding or roughness is evident during operation of the throttle control or if the distance between the marks made on the control cable in accordance with Paragraphs A(3) and A(4) is 25 inch or more, prior to further flight, replace the throttle control assembly with an airworthy assembly.

(B) Replace the carburetor throttle shaft and stop arm assembly and throttle lever with either Marvel Schebler P/Ns 13-1521 and 12-B57 respectively and Marvel Schebler P/N 81-311 nut if a Marvel Schebler Model MA-3-SPA carburetor is installed on the engine or Marvel Schebler P/Ns 13-1526 and 12-B56 respectively and Marvel Schebler P/N 81-311 nut if a Marvel Schebler Model HA-6 carburetor is installed on the engine.

**NOTE:** The Marvel Schebler carburetor modifications should be accomplished in accordance with instructions contained in the current Marvel Schebler Overhaul Manual.

(C) Reinstall the carburetor and rig the throttle control cable to the throttle arm leaving a 1/16-inch cushion in the full throttle position as shown in Section 3 of Beechcraft Models 19, 23, and 24 Series Shop Manual, tighten Marvel Schebler P/N 81-311 nut to 25/60 in. lbs. torque and safety with a cotter pin.

(D) Any equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instructions No. 0589-159 or later FAA-approved revisions covers this subject.

This amendment becomes effective November 19, 1973.

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

Issued in Kansas City, Missouri, on November 2, 1973.

JOHN R. WALLS,  
Acting Director,  
Central Region.

[FR Doc.73-24354 Filed 11-14-73; 8:45 am]

[Docket No. 73-CE-18-AD; Amdt. 39-1744]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Cessna 150, A150, 172, 180, 182, and 185 Series Airplanes

During production inspections, the manufacturer found a defect in P/N 0523306 spar attach fitting installed on certain Cessna Model 150, A150, 172, 180, 182, and 185 series airplanes which increases the parts susceptibility of cracking. This condition was caused by scuff marks on the die during forming operations. Since the condition described herein could ultimately result in wing failure, the manufacturer issued Cessna Service Letter SE73-20, dated August 17, 1973. The Service Letter advises owners of Cessna Service Kit SK 150-45A, dated July 27, 1973, which provides for replacement of the spar attach fitting. Inasmuch as the situation described herein may exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued applicable to certain serial numbers of Cessna Model 150, A150, 172, 180, 182, and 185 series airplanes making compliance with the above mentioned Service Letter and Kit mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

**CESNA.** Applies to Model 150 (S/Ns 15074635 thru 15074799); Model A150 (S/Ns A1500415 thru 1500427); Model 172 (S/Ns 17261664 thru 17261808); Model 180 (S/Ns 18052335 thru 18052349); Model 182 (S/Ns 18261960 thru 18262105), and Model 185 (S/Ns 18502199 thru 18502238) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent defective spar attachment fitting from remaining in service, within the next 50 hours' time in service after the effective date of this AD, replace P/N 0523306 wing attach fittings with Cessna Service Kit SK 150-45A, dated July 27, 1973, referred to in Cessna Service Letter SE73-20, dated August 17, 1973, or later FAA-approved revisions, or with any other airworthy part approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective November 19, 1973.

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

Issued in Kansas City, Missouri, on November 2, 1973.

JOHN R. WALLS,  
Acting Director,  
Central Region.

[FR Doc.73-24353 Filed 11-14-73; 8:45 am]

[Airspace Docket No. 73-EA-71]

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

##### Alteration of Control Zone

On page 26731 of the FEDERAL REGISTER for September 25, 1973, the Federal Aviation Administration published a proposed regulation which would alter the New York, N.Y. (La Guardia Airport), Control Zone (38 FR 406).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. January 3, 1974.

(Section 307(a), Federal Aviation Act of 1958; 72 Stat. 749; (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on October 29, 1973.

ROBERT H. STANTON,  
Director, Eastern Region.

1. Amend § 71.171 of the Federal Aviation Regulations by deleting the description of the New York, N.Y. (La Guardia Airport) control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 40° 46' 36" N., 73° 52' 24" W. of La Guardia Airport; within 1.5 miles each side of a line bearing 124° from a point 40° 46' 20" N., 73° 51' 34" W., extending from said point to 5 miles southeast of said point.

[FR Doc.73-24358 Filed 11-14-73; 8:45 am]

[Airspace Docket 73-EA-80]

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

##### Alteration of Control Zone

On page 26731 of the FEDERAL REGISTER for September 25, 1973, the Federal Aviation Administration published a proposed regulation which would alter the Morristown, N.J., Control Zone (38 FR 403, 21393).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. January 3, 1974.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)



Issued in Jamaica, N.Y., on October 29, 1973.

ROBERT H. STANTON,  
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Morristown, N.J. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°47'58" N., 74°24'56" W., of Morristown Municipal Airport, Morristown, N.J., extending clockwise from a 339° bearing to a 229° bearing from the airport; within a 6-mile radius of the center of Morristown Municipal Airport, extending clockwise from a 229° bearing to a 339° bearing from the airport and within 3 miles each side of a 204° bearing from the Chatham, N.J., RBN, extending from the 5-mile-radius zone to 8.5 miles southwest of the RBN, excluding a 1-mile radius of the center, 40°41'28" N., 74°32'08" W., of Somerset Hills Airport, Basking Ridge, N.J. This control zone is effective from 0630 to 2230 hours, local time, daily.

[FR Doc.73-24359 Filed 11-14-73; 8:45 am]

[Airspace Docket No. 73-EA-84]

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

## Alteration of Control Zone

On page 26730 of the FEDERAL REGISTER for September 25, 1973, the Federal Aviation Administration published a proposed regulation which would alter the Calverton, N.Y., Control Zone (38 FR 362).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., January 3, 1974.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Jamaica, N.Y., on October 29, 1973.

ROBERT H. STANTON,  
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Calverton, N.Y. control zone as follows:

In the text, delete "from 0800 to 1630 hours, local time, Monday through Friday," and substitute in lieu thereof, "from 0800 to sunset, local time, Monday through Saturday."

[FR Doc.73-24359 Filed 11-14-73; 8:45 am]

[Airspace Docket 73-EA-68]

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

## Alteration of Transition Area

On page 26732 of the FEDERAL REGISTER for September 25, 1973, the Federal

Aviation Administration published a proposed regulation which would alter the Hershey, Pa., Transition Area (38 FR 501).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. January 3, 1974.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on October 29, 1973.

ROBERT H. STANTON,  
Director, Eastern Region.

1. Amend § 71.181, Federal Aviation Regulations so as to delete the description of the Hershey, Pa. 700-foot floor transition area and by substituting the following in lieu thereof:

HERSHEY, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, Lat. 40°17'35" N., Long. 76°39'40" W. of Hershey Airport, Hershey, Pa.; within a 7-mile radius of the center of the airport extending clockwise from a 092° bearing to a 041° bearing from the airport excluding that portion that coincides with the Harrisburg, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

[FR Doc.73-24357 Filed 11-14-73; 8:45 am]

[Airspace Docket No. 73-EA-79]

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

## Alteration of Transition Area

On page 26734 of the FEDERAL REGISTER for September 25, 1973, the Federal Aviation Administration published a proposed regulation which would alter the Andover, N.J., Transition Area (38 FR 440).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., January 3, 1974.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on October 29, 1973.

ROBERT H. STANTON,  
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Andover, N.J., 700-foot floor transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center 41°00'00" N., 74°44'00" W. of Aeroflex-Andover Airport, Andover, N.J. extending clockwise from a 053° bearing to

a 103° bearing from the airport, within a 9.5-mile radius of the center of the airport, extending clockwise from a 103° bearing to a 174° bearing from the airport; within an 8.5-mile radius of the center of the airport extending clockwise from a 174° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 295° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 295° bearing to a 053° bearing from the airport; within 1.5 miles each side of the Stillwater, N.J. VORTAC 083° radial, extending from the 7-mile-radius area to the Stillwater, N.J., VORTAC.

[FR Doc.73-24356 Filed 11-14-73; 8:45 am]

[Airspace Docket No. 73-SW-57]

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

## Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Jonestown, Tex.

On September 17, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 26007) stating the Federal Aviation Administration proposed to designate the Jonestown, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 3, 1974, as hereinafter set forth.

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

JONESTOWN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bar K Airport (latitude 30°29'52" N., longitude 97°58'07" W.), and within 3 miles each side of the Austin, Tex., VORTAC 311° radial extending from the 5-mile radius to 28 miles northwest of the VORTAC.

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

Issued in Fort Worth, Tex., on October 29, 1973.

ALBERT H. THURBURN,  
Acting Director,  
Southwest Region.

[FR Doc.73-24360 Filed 11-14-73; 8:45 am]

## Title 16—Commercial Practices

### CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

#### SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

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

Lead-Containing Artists' Paints and Related Materials; Confirmation of Effective Date of Order Exempting From Banning

In the matter of exempting lead-containing artists' paints and related materials from classification under 16 CFR



1500.17(a) (6) (f) as banned hazardous substances:

Pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f) (1) (A), (q), 74 Stat. 372, 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261(f) (1) (A), (q)) and the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371 (e), (f), (g)) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079 (a)), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of October 4, 1973 (38 FR 27514). Accordingly, the regulation promulgated thereby (16 CFR 1500.17(a) (6) (f) (D)) shall become effective December 3, 1973.

Dated: November 9, 1973.

SADY E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 73-24344 Filed 11-14-73; 8:45 am]

## Title 32—National Defense

### CHAPTER V—DEPARTMENT OF THE ARMY SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

#### PART 518—RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES

##### Revision of Part 518

The Department of the Army is amending its regulation concerning the release of information and records from Army files. The basic Army Regulation 345-20 has been changed to Army Regulation 340-17 to conform with Department of the Army numbering system for its issuances and is the Army's implementation of 5 U.S.C. 552b, commonly referred to as the Freedom of Information (FOI) Act.

The revision was developed to, improve the Army system for keeping records of denials of requests under the FOI Act, centralize further within the Army the implementation of the Act, limit denial authority to a few officials so that greater informity and standardization may be achieved in all Army denial actions and to emphasize a need for maximum participation by, and consultation with, public information personnel in FOI Act administrative actions.

Since the amendment established by this document merely corrects an oversight and is noncontroversial, notice, public procedure, and delayed effective date are not prerequisites to this promulgation.

#### PART 518—RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES

##### GENERAL

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518.10 Exemptions.  
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518.12 Appeals to the Secretary of the Army.  
518.13 Information published in the FEDERAL REGISTER or made available for public inspection and copying.  
518.14 Officers to whom requests for information may be directed.  
518.15-518.19 [Reserved]  
518.20 Preservation of personal privacy of members of armed forces.

AUTHORITY: Sec. 3012, 70A Stat. 157 (10 U.S.C. 3012), sec. 3, 60 Stat. 238 (5 U.S.C. 552), unless otherwise noted.

##### § 518.1 Purpose.

This Part 518 prescribes policies and procedures for releasing outside of the Department of the Army information contained in Army records.

##### § 518.2 General policies.

(a) Department of the Army policy is that maximum information will be made available from Army records. Information requested from, or copies of, identifiable Army records will be furnished unless the category of information is exempted from the requirement of disclosure by 5 U.S.C. and § 518.10. The initial denial authorities (§ 518.11), however, may release exempted information (other than national security information or information whose nondisclosure is required by statute) if no legitimate purpose exists for withholding it. The commander/chief of a unit, installation, activity, or other element other than the initial denial authorities (or the Secretary of the Army in appeal actions) may not release exempted information but may recommend such release when forwarding requests to the initial denial authority (see procedures in § 518.11).

(b) All requests for information will be acted upon promptly, fairly, and completely. Delay will not be permitted even though requests appear to be minor in nature. The fact that information from Army files may reveal or suggest errors or inefficiency will not be a basis for withholding it from the public.

##### § 518.3 Scope.

This Part 518 applies to requests received from any source outside the Department of the Army. It is not intended to limit release of information to agencies or individuals in the Federal government whose official work duties entitle them to secure the records concerned. The policies in this Part 518 govern the release of information in all other instances. Requests for Army records will be denied only on the grounds authorized in this Part 518, the Armed Services Procurement Regulation (Subchapter A, Chapter I of this title), and the Federal Personnel Manual, notwithstanding any limitations contained in the other Army Regulations listed in this section. The following Army Regulations set forth additional procedures for the release of certain records or information.

- (a) Inspector General reports—AR 20-1.  
(b) Claims reports—AR 27-20 (Part 536 of this chapter).

(c) Patents, inventions and copyrights—AR 27-60.

(d) U.S. General Accounting Office audits—AR 36-20.

(e) Litigation—AR 27-40 (§§ 516.1 and 516.2 of this chapter).

(f) Release of information and appearance of witnesses—AR 27-45.

(g) Technical reports—AR 70-31.

(h) Aircraft accident investigations—AR 95-30.

(i) Criminal investigation activities—AR 195-2.

(j) Prisoner classification data and correctional treatment files—AR 190-37.

(k) Medical records and files in records centers—AR 340-1.

(l) Disciplinary actions—AR 340-19.

(m) Army information, general policies on release—AR 360-5 (Part 504 of this chapter).

(n) Foreign nationals, release of information to—AR 380-10.

(o) Safety reports and records—AR 385-40.

(p) Military personnel records—AR 640-10.

(q) Civilian personnel records—CPR's 296-31, 700, 752-1, 771, M1, Federal Personnel Manual Chapters 293, 294, and 339.

(r) National security classified information—DOD 5200.1-R and AR 380-5 (Part 159 of this title).

(s) Procurement matters—Armed Services Procurement Regulation (ASPR) (Subchapter A, Chapter I of this title) and the Army Procurement Procedure (APP) (Parts 591 to 612 of this chapter).

(t) Safeguarding "For Official Use Only" information—AR 340-16.

##### § 518.4 Explanation of term "records".

(a) For the purpose of this Part 518, the following explanation of "records" is taken from 44 U.S.C. 3301 (Formerly 44 U.S.C. 366):

... all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal Law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

(b) The term "records" does not include objects or articles such as structures, furniture, paintings, sculptures, three-dimensional models, vehicles, and equipment.

##### § 518.5 Requests for Army records.

(a) Subject to the procedural requirements of this Part 518 and the exemptions contained in § 518.10, copies of, or information from, Army records will be made available upon request from any person. A proper request requires:

(1) A description of the record requested in sufficient detail to enable the Department of the Army to locate the record with a reasonable amount of effort.

(2) A willingness and ability to pay the costs associated with locating and providing copies of the record requested.

(b) There is no obligation to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the applicant will be referred to those sources if gathering the



information would be so burdensome as to interfere materially with the operations of the Army.

(c) If the requested records originated within another agency, the request will be promptly referred to that agency for disposition. A person who requests a copy of material primarily concerning a member of Congress or a Congressional Committee, or a copy of a transcript of testimony given before a Congressional Committee, will be advised to direct his request to the member or committee concerned.

#### § 518.6 Examination and reproduction of records.

(a) Authority to release records includes authority to permit their examination. When authority to examine records is granted, the examination normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures as are deemed appropriate by the custodian.

(b) Original and record copies of Army records may not be released. Copies should be furnished instead. A charge may be imposed for conducting a search and preparing copies of records in accordance with AR 37-30 and Part 288, Chapter I of this title.

#### § 518.7 Release of records to the public.

(a) If a request from a record conforms with the requirements of § 518.5, and does not fall under one or more of the exemptions in § 518.10, the commander/chief or a unit, installation, activity, or other organizational element will furnish access to or copies of Army records. The appropriate judge advocate or legal officer should be consulted on matters of legal interpretation and the information officer on matters which have public relations aspects. Whenever it appears that any public relations problem is developing as a result of any action under the Freedom of Information Act, the information officer will immediately advise his commander/chief and establish direct contact with DAIO, Office for the Freedom of Information, telephonically (AUTOVON 22-74122) or by priority electrical message.

(b) If in the judgment of the commander/chief, the requests involves a record containing information which falls under one or more of the exemptions cited in § 518.10:

(i) He will forward the request to the appropriate official specified in § 518.11, stating the reason for not releasing the information and referring to the appropriate exemption in § 518.10. He may include his recommendations as to whether or not a legitimate purpose exists for withholding the information.

(2) The requester will be advised in writing that his request has been forwarded to a higher authority for necessary action and direct reply. The name and address of both the forwarding and the higher official will be provided so that the requester may communicate with either party.

(c) Information releasable by commands subordinate to Headquarters, Department of the Army, may also be released by the HQDA agency primarily concerned.

(d) Even though the following records are exempt from disclosure to the general public, they will be released on request to the individuals specified:

(1) The following medical records/information will be released by commanders/chiefs of medical treatment facilities or records centers:

(i) Information on the condition of sick and injured patients will be released to the relatives of such patients, in order to allay their anxiety.

(ii) Information that the patient's condition has reached a critical stage will be released to the nearest known relative or the person designated by the patient to be informed in case of an emergency.

(iii) Information that a diagnosis of psychosis has been made will be released to the nearest known relative or the person designated by the patient.

(iv) Information will be released to local officials concerning all births, deaths, and cases of communicable diseases when such reports are required by pertinent local laws.

(v) Medical records relating to present or former military personnel, dependents, civilian employees, or patients in a medical treatment facility of the Department of the Army are the proper and direct concern of the individual to whom they pertain and will be released to him. In the event he has been adjudged insane or is dead, the records are the proper and direct concern of the next of kin or his legal representative and will be released to him. If the information might prove injurious to the health of the patient, the information will not be released to him. It will be released only to his next of kin or legal representative.

(vi) Copies of medical records may be furnished to a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or an inmate therein. If the patient or his legal representative consents, the medical records of the patient will be released to a civilian physician.

(vii) Copies of medical records, or information therefrom, may be furnished to authorized representatives of the National Academy of Sciences, National Research Council, or any other accredited agency, when they are engaged in cooperative studies undertaken at the specific request of, or with the consent of, The Surgeon General.

(viii) In connection with the collection of claims in favor of the Government, pertinent portions of an injured party's medical records may be furnished to the judge advocate or legal officer of the command for release to the tort-feasor's insurer, if appropriate, even though the injured party does not consent.

(ix) Information released to third persons under the provisions of subdivisions (v), (vi), and (vii) of this subparagraph will be accompanied by a statement that the information is released upon condition that it will not be disclosed to

other persons, except in accordance with the accepted limitations which relate to privileged communications between doctor and patient.

(2) Military personnel records will be safeguarded and released by the custodian in accordance with principles of § 518.15 and the following:

(i) The Department of the Army is required by statute to provide certain information relating to the service of an individual (statement of military service) to that individual or his legal representative (sec. 601 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; 50 U.S.C. app. 581).

(ii) Papers relative to application for, designation of beneficiaries under, and allotments in payment of premiums for National Service Life Insurance are the proper and direct concern of the applicant or insured and will be released to him. In the event of his insanity or death, the beneficiaries designated in the policies, or the next of kin, are considered to have a direct and proper concern in these records, and the records will be released to them.

(iii) Copies of Army documents recording the death of a member of the military service, a dependent, or a civilian employee will be released to his next of kin, his life insurance carrier, and legal representative.

(iv) Papers relating to the pay and allowances or allotments of a member or former member of the military service will be released to the individual to whom they pertain, his authorized representatives or, in the case of deceased personnel, the next of kin or legal representative.

(3) Civilian personnel officers having custody of papers relating to the pay and allowances or allotments of a current or former civilian employee will release them to the individual to whom they pertain, his authorized representative, and, in the case of deceased employees, the next of kin or legal representative. Authority to release civilian personnel records does not include authority to release statements of witnesses, medical records, or other reports or documents pertaining to compensation for injuries or death of an Army civilian employee (par. 1-4, chapter 339, Federal Personnel Manual). Such information will be released only by appropriate officials designated in § 518.11.

(4) Requests for information or records described in paragraph (2)(iii) of this paragraph by individuals acting in a representative capacity on behalf of another individual will include evidence in writing of the requestor's representative capacity. In cases in which the release of the requested information is limited to the individuals concerned, the records may be released to other individuals or organizations upon presentation of evidence in writing of the consent of the individual concerned.

#### § 518.8 Releases to Congress.

(a) Congressional requests. Requests by Members of Congress (or staffs or



congressional committees) for inspection or copies of official records will be handled as follows:

(1) *National security classified records.* Applicable provisions of DOD 5200.1-R and AR 380-5 (Part 159 of this title) will be followed.

(2) *Civilian personnel records.* Members of Congress may examine official personnel folders in accordance with applicable instructions governing the release of disciplinary action information (FPM 294.7 and AR 340-19).

(3) *Information pertaining to disciplinary action.* See AR 340-19.

(4) *Military personnel records.* These records will not be released except by Headquarters, Department of the Army. Custodians will refer all requests from Members of Congress (or staffs of Congressional committees) directly to the Chief of Legislative Liaison, Department of the Army, Washington, D.C. 20310.

(5) *Other exempt records.* Requests for all other categories of information exempted from mandatory release under § 518.10 will be referred by commanders/chiefs to the Chief of Legislative Liaison, Department of the Army, Washington, D.C. 20310, by the most expeditious means. Referrals will include the material requested and, as appropriate, the commanders/chiefs' recommendations concerning its release.

(6) *All other records.* All other records should be furnished promptly by the commander/chief having custody of the records.

(b) *Notification of releases to Congress.* Commanders/chiefs will notify the Chief of Legislative Liaison, Department of the Army, of all releases of information to Members of Congress or staffs of Congressional committees. Exceptions may be made in routine cases by organizations which in the normal course of business are required to provide information to Congress.

#### § 518.9 Litigation, tort claims, and contract disputes.

##### (a) Litigation.

(1) Each request for a record which relates to pending litigation involving the United States will be referred to the judge advocate or legal officer of the command, who in turn, will communicate the substance of the request and contents of the record requested to HQDA (DAJA-LT) Washington, D.C. 20310.

(2) Whenever information is released under the provisions of this Part 518 for use in litigation involving the United States, the official responsible for investigative reports will be advised of such release so that he may include a notation in any investigative report that he is required to submit pursuant to chapter 2, AR 27-40.

##### (b) Tort claims.

(1) Each request from a claimant or his attorney for a record, including requests listed in § 518.7, which relates to a pending administrative tort claim that has been filed against the Army will be referred to the claims approving or settlement authority with monetary juris-

diction over the pending claim (AR 27-20 (Part 536 of this chapter)). If the request concerns an incident in which a claim is pending but in which a larger potential claim exists that has not yet been filed, the authority with monetary jurisdiction over the potential claim will receive the request.

(2) If no administrative tort claim has been filed and the request is made by a potential claimant or his attorney under circumstances clearly indicating that he desires to obtain a record for use in connection with the filing of such a claim, the request will be referred to the authority named in subparagraph (1) of this paragraph. That authority, when subordinate, will in turn communicate in writing or by telephone the substance of the request and the contents of the record to Chief, U.S. Army Claims Service, Fort George G. Meade, Maryland 20755 (AUTOVON 923-7860).

(3) Officials listed in § 518.11(a) (1) through (8) who receive such requests will refer them direct to Chief, U.S. Army Claims Service.

(4) The Chief, U.S. Army Claims Service will process the request in accordance with this Part 518 and AR 27-20 (Part 536 of this chapter).

(c) *Contract disputes.* Each request for a record which relates to a potential contract dispute or a dispute that has not reached "final decision" by the contracting officer shall be treated as a request for "procurement records" and not as "litigation," except that the officials listed in §§ 518.7 and 518.11 shall consider the impact of release upon the potential dispute procedures and may consult with The Judge Advocate General, ATTN: DAJA-CA. Each request for a record which relates to a pending contract appeal to the Armed Services Board of Contract Appeals, or to a "final decision" that is still subject to appeal (i.e., 30 days have not lapsed after receipt of the "final decision" by the contractor), shall be treated as a request involving "litigation" (paragraph (a) of this section).

#### § 518.10 Exemptions.

Except as authorized in §§ 518.7, 518.8, and 518.11(a), information contained in the following records will not be released:

(a) Those classified in the interests of national security pursuant to DOD 5200.1-R and Part 159 of this title and (5 U.S.C. 552b(1)).

(b) Those containing rules, regulations, orders, manuals, directives, and instructions which provide only internal guidance to DOD personnel (5 U.S.C. 552b(2)). Examples are:

(1) Operating rules, guidelines, and manuals for investigators, inspectors, auditors, and examiners and schedules or methods involved.

(2) Negotiating and bargaining techniques, positions, and limitations.

(3) Personnel and other administrative matters, such as examination questions and answers used in training courses or in the determination of the quali-

fication of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information which statutes authorize or require to be withheld from the public (5 U.S.C. 552b(3)). Examples are:

(1) Trade and financial information provided in confidence by businesses (18 U.S.C. 1905).

(2) Technical data, including technical data regarding munitions (50 U.S.C. 2023 and 22 U.S.C. 1934).

(3) National Security Agency information (50 U.S.C. 402).

(4) Information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued (35 U.S.C. 181-188).

(d) Documents containing information received from an individual, a foreign nation, an international organization, a state or local government, a corporation, or any other private organization with the understanding that they will be retained on a privileged or confidential basis (5 U.S.C. 552b(4)). Such records include documents containing:

(1) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, or priest-penitent privileges.

(2) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence and privileged, such as trade secrets, inventions, and discoveries, or other proprietary data.

(3) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures if received in confidence from a contractor or potential contractor.

(4) Commercial information such as formulae, designs, drawings, and other technical data submitted in confidence in connection with research, grants, or contracts.

(5) Personal statements given in the course of inspections, investigations, and treatment when such statements are received in confidence.

(e) Except as provided in subparagraph (6) of this paragraph, internal communications within and among agencies and components (5 U.S.C. 552b(5)). Examples are:

(1) Staff papers containing staff advice, opinions, and suggestions, preliminary to a decision or action. These include, for example, reports of inspections, audits, investigations, personnel grievances or appeals, and surveys pertaining to safety, security, internal management, administration, or operation of the Department of the Army, which contain recommendations or advice to an official authorized to take action on the subject matter concerned.

(2) Advice, suggestions, or reports prepared on behalf of the Department of the Army by boards, committees,



councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed to provide advice and recommendations.

(3) Advance information on such matters as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interest.

(4) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before a Federal, State, or military court, or before any regulatory body. These include papers and advice exchanged internally in preparation for administrative settlement of potential litigation, such as claims against the Government.

(5) Results of evaluation of contractors and their products which constitute internal recommendations or advice and which involve a significant measure of judgment on the part of evaluating personnel.

(6) If any such intra- or inter-agency information requested would routinely be made available through the discovery process in the course of litigation which the agency, then it should not be withheld from the general public. If, however, the information would not routinely be made available through the discovery process except by a decision of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document is exempt from the requirement of disclosure to the public.

(f) Information in personnel, medical, and similar files which if disclosed to a member of the public would result in a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(6)).

(1) Examples of files similar to medical and personnel files are those:

(i) Compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of civilian, military, or industrial individuals for security clearances.

(ii) Containing reports, records, and other material pertaining to individual cases in which administrative action may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct, and the degree to which the individual's privacy has already been invaded by any investigation or proceedings which have taken place. For example, after completion of appellate review, unclassified records of court-martial proceedings should always be made available, since they represent a record of proceedings open to the public in which the relevant conduct of the

member has been fully explored. (Records of court-martial proceedings may be made available at an earlier stage if to do so in the judgment of The Judge Advocate General, would not adversely affect the appellate process.)

(3) Requests for access to, or release of, records of court-martial proceedings of General Courts-Martial or Special Courts-Martial involving a bad conduct discharge, prior to completion of appellate review, should be processed as follows:

(i) Acknowledgment of the receipt of the request should be made by the Staff Judge Advocate of the Convening Authority. The requestor should be informed that the authority to grant access or release prior to completion of appellate review is reserved to The Judge Advocate General and that the request will be forwarded to the U.S. Army Legal Service Agency as part of the allied papers.

(ii) Correspondence concerning a request, forwarded with the record and allied papers to the U.S. Army Legal Service Agency, should be flagged in a manner to insure it is noted immediately upon receipt.

(iii) This guidance does not preclude the furnishing of records of trial to an accused.

(4) When the sole and exclusive basis for withholding information from an individual is the protection of his personal privacy, the information will not be withheld from him or from his designated legal representative.

(g) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders or regulations validly adopted pursuant to law (5 U.S.C. 522b(7)).

(1) This exemption includes statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation and adjudicative proceedings.

(2) Any rights conferred by existing law or regulation upon specified persons or classes of persons to obtain access to investigatory files are not hereby diminished.

(h) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions (5 U.S.C. 522b(8)).

(i) Documents containing geological and geophysical information and data (including maps) concerning wells (5 U.S.C. 552b(9)).

#### § 518.11 Action on referrals.

(a) *Designated initial denial authorities.* The officers indicated in this section are assigned authority to act upon referrals from commanders/chiefs or other officials under § 518.7 and to release exempted records under paragraph (b) of this section. These officials are designated as the initial denial authorities.

The initial denial authorities will coordinate all matters relating to the release of exempted information which have public relations aspects with the Chief of Information or with the appropriate information officer in accordance with AR 10-5 and AR 360-5 (Part 504 of this chapter). In cases where the exempted information requested is related to actual or potential litigation against the United States, its release will be coordinated with The Judge Advocate General.

(1) The Adjutant General is authorized to act upon:

(i) Requests for all military personnel records, and medical records of retired, separated, or reserve component personnel. Requests for medical records of former military personnel, not covered by the provisions of AR 340-1, will be coordinated with The Surgeon General.

(ii) All requests for national security information. As necessary The Adjutant General will coordinate with the HQDA staff agency exercising general staff cognizance over the subject matter area.

(iii) All requests involving both national security information and information falling under another exemption listed in § 518.10. The Adjutant General will coordinate the national security information aspects as indicated in subdivision (i) of this subparagraph. He will coordinate the information falling under another exemption with the appropriate officials specified in subparagraphs (2) through (8) of this paragraph. The Adjutant General is responsible for consolidating the data and for insuring that a coordinated action is completed at the initial appellate level.

(2) The Surgeon General is authorized to act upon all requests involving medical records of active duty military personnel, former military personnel, dependents, any person given a physical examination in connection with prospective appointment, induction or enlistment, and other civilians, who have received treatment at Army medical facilities.

(3) The Deputy Chief of Staff for Personnel is authorized to act on requests for release of information contained in civilian personnel records.

(4) The Provost Marshal General is authorized to act on requests for release of information contained in military police reports.

(5) The Deputy Chief of Staff for Logistics is authorized to act on requests for release of information contained in procurement records.

(6) The Inspector General is authorized to act on requests involving Inspector General reports in accordance with AR 20-1.

(7) The Chief of Engineers is authorized to act on all requests involving civil works as defined in § 518.14.

(8) Commander, United States Army Criminal Investigation Command is authorized to act on all requests involving criminal investigation records and investigations in progress.



(9) The Judge Advocate General is authorized to act on all other requests. He is also authorized to act on requests within the purview of subparagraphs (1) through (8) of this paragraph, in cases involving litigation in which the United States has an interest.

(b) *Exceptions.* The initial denial authorities may release exempted records described in § 518.10 (b) through (i) in accordance with § 518.2 unless nondisclosure is required by statute. Material exempted under § 518.10(a) may not be released under this paragraph, but must be declassified before release in accordance with the provisions of Department of Defense Regulation 5200.1-R and AR 380-5 (Part 159 of this title).

(c) *Central point of contact.* The initial denial authorities will designate a single point of contact to handle all matter covered in this Part. Points of contact will maintain, in one location, all information relating to actions on cases handled by them, especially the complete details on each referral, denial, and appeal. This information must be readily available to answer periodic requests from Congressional and other sources.

#### § 518.12 Appeals to the Secretary of the Army.

If a request for an Army record is denied by an initial denial authority, the applicant will be informed in writing of the basis for the denial with reference to the appropriate exemption set forth in § 518.10, citing the specific subparagraph of 5 U.S.C. 552, and of his opportunity to submit an appeal in writing to the Secretary of the Army. Such appeals will be submitted through the initial denial authority by the Secretary of the Army, together with all other materials pertaining to the request, including an appropriate explanation for why the request was initially denied.

#### § 518.13 Information published in the Federal Register or made available for public inspection and copying.

(a) *Information published in the Federal Register.* (1) 5 U.S.C. 522 requires that certain information concerning the Army be made available for the use of the general public through publication in the Federal Register. The following information is made available to the public through publication in the Federal Register.

(i) An outline of the central and field organization of the Army, and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, and obtain decisions.

(ii) The procedures, both formal and informal, by which the Army conducts its business with the public.

(iii) Rules of procedure which must be followed, forms to be completed, sources from which these forms may be obtained, and instructions on the scope and content of any papers, reports, or examinations required to be submitted pursuant to such rules of procedure.

(iv) Statements of general policy and substantive rules or general applicability affecting the public.

(2) No member of the general public will be required to resort to, or be adversely affected by, any matter that is required to be published in the Federal Register, and not so published, unless he has actual and timely notice of the information contained therein.

(b) *Information available for public inspection and copying.* (1) Subject to the exemptions set forth in § 518.10, the following categories of information will be made available for public inspection and copying:

(i) Final opinions (including concurring and dissenting opinions) and orders in adjudications that may be used, cited, or relied upon as precedent in future adjudications.

(ii) Statements of policy and interpretations of less than general applicability which affect the public, but are not published in the Federal Register.

(iii) Administrative staff manuals and instructions, or portions thereof, prescribing Army policies that are determinative of the rights of members of the public, unless these documents are published and offered for sale. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the Army. Examples of manuals and instructions not normally made available are:

(a) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(b) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(iv) Any materials that are published in the Federal Register pursuant to paragraph (a) of this section.

(2) The following are illustrative of the information that will normally be made available for public inspection and copying:

(i) Army regulations, special regulations, general orders, Department of the Army circulars, Department of the Army pamphlets, the Army Procurement Procedure, and the Armed Services Procurement Regulation.

(ii) Final decisions by boards of review created under the Uniform Code of Military Justice, decisions of the Armed Services Board of Contract Appeals, and decisions of the Army Contract Adjustment Board.

(iii) Any final rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents.

(3) Except for the material specified in paragraph (5) of this paragraph is available for public inspection and copying in the Army Library, Room 1A 518, The Pentagon, Washington, D.C. 20310, which is open from 8:30 a.m. to 5 p.m. Monday through Friday.

(4) The Army Library maintains an index system by subject matter to the materials available. The following are examples of the type of index that will be maintained for public reference.

(i) An index of administrative publications (DA Pam 310-1). This pamphlet includes a topical index to Department of the Army Regulations, special Regulations, circulars, pamphlets, and general orders.

(ii) An index to all materials published in the Federal Register in accordance with paragraph (a) of this section.

(iii) An index to Court-Martial Reports.

(iv) An index to the Armed Services Procurement Regulation. This index can also be used for reference to the Army Procurement Procedure, which follows an identical paragraph numbering system.

(v) An index to the decisions of the Armed Services Board of Contract Appeals.

(vi) An index to the decisions of the Army Contract Adjustment Board issued after 4 July 1967.

(vii) The Army Library maintains a master list of all available index and will assist members of the general public in their use of these indexes.

(5) Final decisions by boards of review created under the Uniform Code of Military Justice are available for public inspection and copying at the U.S. Army Judiciary, Office of The Judge Advocate General, 5611 Columbia Pike, Washington, D.C. 20315. An index to all final decisions of boards of review issued after 4 July 1967 is also available at this facility.

(6) The cost of copying any documentary materials made available pursuant to this paragraph will be imposed in accordance with AR 37-30.

(7) Identifying details which if revealed would be a clearly unwarranted invasion of privacy may be deleted from a final opinion, order, statement of policy, interpretation, staff manual, or instruction may be available for inspection and copying. However, in every case, the justification for deletion must be fully explained in writing.

(8) No material described in subparagraph (1) of this paragraph, issued, promulgated, or adopted after 4 July 1967, which is not indexed and made available for public inspection and copying may be relied upon, used, or cited as precedent against any member of the public unless such person has actual or timely notice of its terms. If the material described in subparagraph (1) of this paragraph was issued, promulgated, or adopted before July 4, 1967, it need not be indexed, but must be made available for inspection and copying in accordance with this paragraph.

#### § 518.14 Officers to whom requests for information may be directed.

(a) *Army publications.* Requests for copies of Army publications or indexes—



HQDA (DAAG-PAS-D), Washington, D.C. 20314.

(b) *Medical records.* (1) Requests involving medical records of military personnel may be directed as follows:

(i) Army personnel separated on or after 1 January 1960 and reservists not on active duty—Commander, U.S. Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132.

(ii) Army officer personnel separated between July 1, 1917, through December 31, 1959, and Army enlisted personnel separated between November 1, 1912 and December 31, 1959—Center Manager, National Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, MO 63132.

(iii) Army personnel separated prior to dates specified in subdivision (ii) of this subparagraph—Assistant Archivist for Military Archives, Office of Military Archives, NARS, GSA, Washington, D.C. 20408.

(iv) Military personnel on active duty—the medical treatment facility at which they are maintained, if known. If the medical facility is not known, the request may be directed to HQDA (DAPC-PAR), 200 Stovall Street, Alexandria, VA 22332, if involving commissioned or warrant officer personnel, or to Commander, U.S. Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429, if involving enlisted personnel.

(2) Requests for the medical records of civilian employees and all dependents may be directed to the medical treatment facility where maintained, if known. If unknown, or if the records have been retired, requests may be addressed to the Center Manager, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118.

(c) *Military personnel records.* Requests for military personnel records or information may be routed to the same addresses as indicated in paragraph (b) of this section except that requests for active duty personnel will be sent to HQDA (DAPC-PAR), 200 Stovall Street, Alexandria, VA 22332, if involving commissioned or warrant officer personnel and to the Commander, U.S. Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429, if involving enlisted personnel.

(d) *Legal records.* (1) Requests involving records of trial by court-martial.

(i) General courts-martial and those special courts-martials records where a bad conduct discharge has been approved by the covenying authority will be referred to the Commander, U.S. Army Legal Services Agency, Nassif Building, Falls Church, VA 22041 if the records of trial have been forwarded for appellate review. If the records have not been forwarded for appellate review, requests for such records will be referred to the staff judge advocate of the command which has jurisdiction over the case.

(ii) The records of trial of special courts-martial which do not involve a bad conduct discharge are retained for

10 years after completion of the case. Requests for information concerning such trials should be directed as follows:

(a) Up to 3 years after completion of the case. Requests should be forwarded to the staff judge advocate of the headquarters where the case was reviewed.

(b) From 3 to 10 years after completion of the case. The special courts-martial records of trial will be available from 3 to 10 years after completion of the case at the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132, where requests for information concerning such records of trial should be directed. After 10 years the only evidence of a special court-martial conviction would be the special court-martial order maintained in the individual's permanent records. Requests for information concerning such orders should be directed to HQDA (DAPC-PAR), 200 Stovall Street, Alexandria, VA 22332, for commissioned and warrant officer personnel and to the Commander, U.S. Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429, for enlisted personnel. If the individual is no longer on active duty, the request should be forwarded to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132.

(iii) The records of trial of summary courts-martial are destroyed 1 year after action of the appropriate supervisory authority. Until that time, requests for information concerning those records of trial should be directed to the appropriate staff judge advocate at the installation where the court-martial was conducted. After 1 year the only evidence of a summary court-martial conviction would be the summary court-martial order maintained in the individual's permanent records. Requests for information concerning such orders should be directed to HQDA (DAPC-PAR), 200 Stovall Street, Alexandria, VA 22332, for commissioned and warrant officer personnel and to the Commander, U.S. Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429, for enlisted personnel. If the individual is no longer on active duty the request should be forwarded to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132.

(2) Requests involving the administrative settlement of claims—Chief, U.S. Army Claims Service, Fort George G. Meade, MD 20755.

(3) Requests involving debarred or suspended contractors—HQDA (DAJAZC), Washington, D.C. 20310.

(4) All other requests involving legal matters—HQDA (DAJA), Washington, D.C. 20310.

(e) *Civil works program.* Requests involving records relating to construction, operation, and maintenance for improvement of rivers, harbors, and waterways for navigation, flood control, and related purposes, including shore protection work of the Department of the Army, may be directed to the appropriate division or district office of the Corps of Engineers,

if known; otherwise, to HQDA (DAEN), Forrestal Building, Washington, D.C. 20314.

(f) *Civilian personnel records.* Requests involving personnel records of civilian employees other than those pertaining to former employees may be directed to the installation at which the individual is employed. Requests involving personnel records of former civilian employees may be directed to the Center Manager, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118.

(g) *Procurement matters.* Requests for material relating to procurement activities may be forwarded to the contracting officer concerned or, if not feasible, to the appropriate procuring activity. If the contracting officer or procuring activity is not known, requests may be forwarded to the Assistant Secretary of the Army (I&L).

(h) *Other requests.* Requests involving records of the Department of the Army, not otherwise provided for in this section, may be directed to HQDA (DAAG), Washington, D.C. 20310.

§§ 518.15–518.19 Reserved.

§ 518.20 Preservation of personal privacy of members of Armed Forces.

(a) It is Department of the Army policy to safeguard the personal privacy of its present and former members. This policy shall be prime consideration in the development and administration of personnel practices and procedures.

(b) Access to personal information from personnel, medical, or similar files relating to present and former members of the U.S. Army will be limited to those organizations and individuals requiring such information to conduct the business of the Department of the Army or other elements of the Department of Defense; the business of other Federal, State, or local agencies (including the legislative and judicial branches of government at all levels); and in such other instances where release is clearly required by national interest.

(c) Military personnel and civilian employees of the Army may not release or otherwise disclose personal information from personnel, medical or similar files relating to present and former members of the Army to nongovernmental organizations or individuals, whether commercial, nonprofit, or other, without previously obtaining the written consent of the individual concerned, except as specified in this Part 518. Among the kinds of information which may not be released to nongovernmental organizations or individuals without the consent of the individual concerned are:

(1) Lists or compilations containing the names, addresses, or Military occupational specialty identifications of present or former members of the Army (also see AR 600-20 for restrictions on the release of rosters and lists).

(2) Data from medical records, except as provided in AR 340-1 and this Part 518.



(3) Aptitude test scores.

(4) Similar information of personal nature.

(d) Unauthorized release (that is, release contrary to the provisions of this Part 518) to private organizations or individuals of personal information from personnel, medical, or similar files relating to present and former members without the written consent of the individual concerned shall be considered a clearly unwarranted invasion of his personal privacy within the meaning of section 552(b) (6) of title 5, United States Code, as implemented by this Part 518.

(e) Commanders will establish procedures to insure that all personnel who have access to military personnel records or names and addresses of service members (especially those members being separated from active service) are periodically informed that information from these records or lists of names and addresses will not be released to unauthorized sources. Commanders will also insure that all allegations of unauthorized release are examined and, when appropriate, will direct that an investigation be made.

(f) The restrictions on access to personal information set forth in this Part 518 shall not be applicable to the individual concerned, to his properly authorized legal representatives, or to his next of kin whenever he is incapable for reasons of physical or mental health of governing his own affairs.

(g) To insure the privacy and confidentiality of communications concerning or between military personnel and members of the Congress of the United States, a member's personnel file shall not be coded, annotated, or otherwise marked to indicate that congressional interest has been generated by the member exercising his rights under 10 U.S.C. 1034 or expressed on his behalf.

(h) Voluntary release of data. (1) Procedures may be developed by which individual members and former members of the Army may volunteer to authorize release of personal information for purposes of benefit to the members or former members concerned or to the national interest. Such purposes may include, but are not limited to, assistance to separating members in their transition to civilian life; other promotion of the welfare of Army personnel; cooperation in scholarly research efforts in the national interest; and other efforts by nongovernmental agencies to further the national interest.

(2) The written consent of the individuals concerned must be obtained prior to any such release of personal information to a nongovernmental agency. Development of procedures to obtain releases should be limited by the costs and resources involved in establishing and executing them, weighed against the anticipated benefits to the members or former members of the Army or to the national interest.

(AR 340-17, 25 June 1973) (Sec. 3012, 70A Stat. 157 (10 U.S.C. 3012); sec. 3, 60 Stat. 238, (5 U.S.C. 552).)

For the Adjutant General.

R. B. BELNAP,  
Special Advisor to TAG.

[FR Doc.73-24345 Filed 11-14-73; 8:45 am]

#### CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

##### PART 1808—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

###### Obligations of the Project Applicant

In order to accommodate the application procedures provided as a part of the uniform administrative requirements for grants-in-aid to State and local governments, promulgated by OMB Circular No. A-102, DCPA's requirement that each application for Federal assistance involving construction work contain a specified clause, verbatim, is being revoked. Although the particular clause will no longer be set forth verbatim in the application for Federal assistance, the State and, where applicable, its participating political subdivision, as a recipient of Federal assistance for construction work assume responsibility to include the Federally prescribed labor standards provisions in covered contracts and to administer the award and performance of the contract in accordance with Federal labor standards requirements. Provisions setting forth preliminary actions necessary to fulfill their responsibility are being promulgated in place of the existing text of § 1808.3 of Title 32 of the Code of Federal Regulations. Processing of these amendments under advance consultation procedures is deemed inappropriate.

Section 1808.3 "Project Application" is revoked and a new § 1808.3 is issued, reading as follows:

###### § 1808.3 Contract award requirements.

The obligations of the State, and of any political subdivision joining the State in its application for a Federal financial contribution under section 201(i) or section 205 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281, 2286), include, without limitation, the following:

(a) The requirement that the State include, verbatim, in each contract involving construction work in excess of \$2,000 and cause to be included, verbatim, in each subcontract thereunder, the provisions prescribed in § 1808.4(a) of this Part 1808 and cause to be attached the applicable wage determination decision of the Secretary of Labor; and, in addition, the requirement that the State include, verbatim, in each construction contract in excess of \$10,000, and cause to be included in each subcontract thereunder, the provisions prescribed in § 1808.4(b) of this Part 1808.

(b) The requirement that each advertisement of an invitation to bid

shall indicate expressly that if the construction phase of the contract exceeds \$2,000:

(1) All laborers and mechanics employed by contractors or subcontractors in performance of the construction work shall be paid wages at rates not less than those determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any workweek, as the case may be, as provided in section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281) and in the Contract Work Hours Standards Act (76 Stat. 357) and

(2) Bid specifications shall contain the labor standards provisions prescribed in § 1808.4 of this Part 1808 and shall have attached thereto the wage determination decision of the Secretary of Labor applicable to the project.

(Secs. 401(g), 201(i), 205, 64 Stat. 1245-1257, (50 U.S.C. App. 2251-2297); Reorganization Plan No. 1 of 1958, 72 Stat. 1799; Executive Order 10952, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others," July 20, 1961; order of the Secretary of Defense establishing the Defense Civil Preparedness Agency as an agency of the Department of Defense, FR Doc. 72-15636, filed September 13, 1972, 37 FR 18636.)

(Catalog of Federal Domestic Assistance Programs: No. 12.305, Civil Defense—Emergency Operating Centers; No. 12.315, Civil Defense—Personnel and Administrative Expenses; No. 12.321, Civil Defense—State and Local Supporting Systems Equipment.)

These amendments are effective immediately.

Dated: November 1, 1973.

JOHN E. DAVIS,  
Director, Defense Civil  
Preparedness Agency.

[FR Doc.73-24351 Filed 11-14-73; 8:45 am]

#### Title 41—Public Contracts and Property Management

##### CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

##### PART 15-16—PROCUREMENT FORMS

###### Subpart 15-16.4—Forms for Advertised Construction Contracts

###### ADDITIONAL GENERAL CONDITIONS

On pages 20267 to 20275 of the FEDERAL REGISTER dated July 30, 1973, there was published a notice of rulemaking to issue an amendment to 41 CFR Ch. 15, by adding a new § 15-16.402-50, additional general provisions to U.S. Standard Form 23-A, and general conditions for advertised construction contracts to Part 15-16. Interested persons were given until October 3, 1973, to submit written comments concerning the proposed amendment. One comment was received



which resulted in changes to the Termination clause and the Authorization and Consent clause. The amendment is adopted with these changes.

Dated: November 12, 1973.

RUSSELL E. TRAIN,  
Administrator.

**Subpart 15-16.4—Forms for Advertised Construction Contracts**

§ 15-16.402-50 Additional general provisions to U.S. Standard Form 23-A, and general conditions for advertised construction contracts.

ADDITIONAL GENERAL PROVISIONS TO U.S. STANDARD FORM 23-A (EPA FORM NO. 1900-32)

**24. DEFINITIONS**

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) Except as otherwise provided in this contract, the term "Subcontract" includes purchase orders under this contract.

(b) The term "EPA" means the Environmental Protection Agency.

(c) The term "Contractor" as used in the specifications shall mean the individual, partnership, or corporation that agrees to provide all labor, material and services required in the contract.

(d) Wherever in the specifications or upon the drawings the words "directed," "required," "ordered," "designated," "prescribed," or words of like import are used, it shall be understood that the "direction," "requirement," "order," "designation," or "prescription," of the Contracting Officer is intended and similarly the words "approved," "acceptable," "satisfactory" or words of like import shall mean "approved by" or "acceptable to," or "satisfactory to" the Contracting Officer, unless otherwise expressly stated.

(e) Where "as shown," "as indicated," "as detailed," or words of similar import are used, it shall be understood that the reference is made to the drawings accompanying this contract unless stated otherwise. The word "provided" as used herein shall be understood to mean "provided complete in place," that is "furnished and installed."

**25. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT**

(The provisions of this clause shall be applicable only if the amount of this contract exceeds \$10,000.00)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

**26. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL**

(a) This clause is applicable if the amount of this contract exceeds \$2,500.00 and was entered into by means of negotiation, including

small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations Part 1-20, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract or such lesser time specified in the Federal Procurement Regulations Part 1-20, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding \$2,500.00 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

**27. PRICING OF ADJUSTMENTS**

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with Part 1-15 of the Federal Procurement Regulations as in effect as of the date of this contract.

**28. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT**

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(3) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(4) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right,

title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(5) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;

(6) Transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government;

(7) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (6) above: *Provided, however*, That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed and at a price or prices approved by the Contracting Officer: *And provided further*, That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(8) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(9) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period, as defined in Subpart 1-8.1 of the Federal Procurement Regulations (41 CFR Subpart 1-8.1), as the definition may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer



upon request of the Contractor made in writing within such one-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one-year period or extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done: *Provided*, That such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(1) With respect to all contract work performed prior to the effective date of the Notice of Termination, the total (without duplication of any items) of:

(i) The cost of such work;  
(ii) The cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the Notice of Termination of work under this contract, which amounts shall be included in the cost on account of which payment is made under (1) above; and

(iii) A sum, as profit on (1), above determined by the contracting officer pursuant to § 1-8.303 of the Federal Procurement Regulations (41 CFR 1-8.303), in effect as of the date of execution of this contract, to be fair and reasonable: *Provided, however*, That if it appears that the contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision

(iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(2) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b) (9); and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the Contractor as the result of the termination of work under this contract.

The total sum to be paid to the Contractor under (1) above shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor under (1) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b) (7).

(f) Cost claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal Procurement Regulations (41 CFR Part 1-15) in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (2) if an appeal has been taken the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted: (1) All unliquidated advance or other payments on account theretofore made to the Contractor, applicable to the terminated portion of this contract, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things kept by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices; however, nothing contained herein shall limit the right of the Government and the Contractor to agree upon the amount or amounts to be paid to the Contractor for the completion of the continued portion of the contract when said contract does not contain an established contract price for such continued portion.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of six percent per annum for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

#### 29. FEDERAL, STATE AND LOCAL TAXES

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: *Provided*, That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.



(c) No adjustment pursuant to paragraph (b) of this section will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over \$100,000.

(d) As used in paragraph (b) of this section, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

#### 30. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including any lower-tier subcontract), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

#### 31. NOTICE TO THE GOVERNMENT OF DELAYS

(a) Whenever the Contractor has knowledge that any actual or potential situation or labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a situation or labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential situation or labor dispute, the subcontractor shall immediately

notify its next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

#### 32. SUBCONTRACTOR COST AND PRICING DATA—PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this section shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of \$100,000.00. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed \$100,000.00; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed \$100,000.00, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed \$100,000.00, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or rates or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify that to the best of their knowledge and belief the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds \$100,000.00.

#### 33. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

The following clause is applicable if the amount of this contract is in excess of \$5,000.00 except (1) contracts which, including all subcontracts hereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico and (2) contracts for services which are personal in nature.

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American - Orientals, American - Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

#### 34. PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves

a price adjustment in excess of \$100,000.00 that is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause shall be limited to such price adjustments.

(b) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with any price adjustment under this contract was increased by any significant sums because the Contractor or any subcontractor, pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data-Price Adjustments" or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data, then such price shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

NOTE.—Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower-tier subcontractors.

(c) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

#### 35. AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of \$100,000.00 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or other modification were accurate, complete, and current, the Contracting Officer, the Comptroller General of the United States, or any authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed \$100,000.00. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that the change or other modification to the subcontract results from a change or other modification to the Government prime contract."



## 36. COMPOSITION OF CONTRACTOR

If the Contractor hereunder is comprised of more than one legal entity, such entity shall be jointly and severally liable hereunder.

## 37. SUBCONTRACTS

(a) Nothing contained in the contract shall be construed as creating any contractual relationship between any subcontractor and the Government. The divisions or sections of the specifications are not intended to control the Contractor in dividing the work among the subcontractors, or to limit the work performed by any trade.

(b) The Contractor shall be responsible to the Government for acts and omissions of his own employees, and of subcontractors and their employees. He shall also be responsible for the coordination of the work of the trades, subcontractors, and material men.

(c) The Contractor shall, without additional expense to the Government, employ Specialty Subcontractors where required by the specifications. "Specialty Subcontractors," when specified as a requirement, means a subcontractor regularly engaged in the manufacture or installation of the contract items. The Specialty Subcontractor shall select and combine the materials involved, maintain and have available for the purpose workmen skilled in the specified work. The Specialty Subcontractor shall be the manufacturer, be licensed by the manufacturer as an installer, or work under direct supervision of the manufacturer.

(d) All work shall be performed by mechanics skilled in the trade.

(e) The Government or its representatives will not undertake to settle any differences between the Contractor and his subcontractors, or between subcontractors.

(f) Within seven (7) days after award of any subcontract either by himself or a subcontractor, the Contractor shall deliver to the Contracting Officer a statement setting forth the name and address of the subcontractor and a summary description of the work subcontracted. The Contractor shall at the same time furnish a statement signed by the subcontractor acknowledging the inclusion in his subcontract of the clauses of this contract entitled "Equal Opportunity," "Davis-Bacon Act," "Contract Work Hours Standards Act-Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts" and "Contract Termination-Debarment." Nothing contained in this contract shall create any contractual relation between the subcontractor and the Government.

## 38. USE AND POSSESSION PRIOR TO COMPLETION

The Government shall have the right to take possession of or use any completed or partially completed part of the work. Such possession or use shall not be deemed an acceptance of any work not completed in accordance with the contract. While the Government is in such possession, the Contractor, notwithstanding the provisions of the clause of this contract entitled "Permits and Responsibilities," shall be relieved of the responsibility for loss or damage to the work other than that resulting from the Contractor's fault or negligence. If such prior possession or use by the Government delays the progress of the work or causes additional expense to the Contractor, an equitable adjustment in the contract price or the time of completion will be made and the contract shall be modified in writing accordingly.

## 39. INTEREST

Notwithstanding any other provision of this contract, unless paid within 30 days all

amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of six percent (6%) per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract, (ii) the date of the first written demand for payment, consistent with this contract, (iii) the date of transmittal, by the Government to the Contractor of a proposed supplemental agreement to confirm completed negotiations fixing the amount, or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

## 40. PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the "Disputes" clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92-41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the "Disputes" clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a Board of Contract Appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a Board of Contract Appeals or a court of competent jurisdiction.

## 41. INFORMATION REGARDING BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 101-104), generally requires that only domestic construction material be used in the performance of this contract. (See the clause entitled "Buy American" in Standard Form 23-A, General Provisions, Construction Contract.) This requirement does not apply to the following construction material or components:

Cork; sisal; hemp; flax; jute; silk; licorice root; asbestos; English china clay; English ball clay; carnauba wax; mica; rubber; antimony; manganese; titanium; tungsten; zirconium; chromium; platinum; tin; nickel and natural nickel alloys.

(b) (1) Furthermore, bids or proposals offering use of additional nondomestic construction material may be acceptable for award if the Government determines that use of comparable domestic construction material is impracticable or would unreasonably increase the cost or that domestic construction material (in sufficient and reasonably available commercial quantities and of a satisfactory quality) is unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction material.

(2) Where it is alleged that use of domestic construction material would unreasonably increase the cost:

(i) Data shall be included by the bidder, based on a reasonable canvass of suppliers, demonstrating that the cost of each such domestic construction material would exceed

by more than six percent (6 percent) the cost of comparable nondomestic construction material. (All costs of delivery to the construction site shall be included, as well as any applicable duty.)

(ii) For evaluation purposes, six percent (6%) of the cost of all additional nondomestic construction material, which qualifies under paragraph (b) (1) (i) of this section, will be added to the bid or proposal.

(3) When offering additional nondomestic construction material, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable under (b) (1) of this section, will cause rejection of the entire bid.

## 42. LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR Part 50-250 if this contract is for \$2,500.00 or more.)

(a) The Contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required. Provided, That if this contract is for less than \$10,000.00 or if it is with a State or local government the reports set forth in paragraphs (c) and (d) of this section are not required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment service or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. This listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in any statutes, Executive orders, or regulations regarding nondiscrimination in employment.

(c) The reports required by paragraph (a) of this section shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of the State employment service. Such reports shall indicate for each establishment (i) the number of individuals who were hired during the reporting period, (ii) the number of those hired who were disabled veterans, and (iii) the number of those hired who were nondisabled veterans of the Vietnam era. The Contractor shall submit a report within thirty (30) days after the end of each reporting period wherein any performance is made under this contract. The Contractor shall maintain copies of the reports submitted until the expiration of one (1) year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound by the listing provisions



of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State employment system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(e) This clause does not apply to the listing of employment openings which occur and are filed outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than \$18,000.00 per year. The term includes full-time employment, temporary employment of more than three (3) days' duration, and part-time employment. It does not include openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the Contractor's own organization (including any affiliates, subsidiaries, and parent companies), and includes any openings which the Contractor proposes to fill from regularly established "recall" or "rehire" lists.

(4) "Openings which the Contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of his employees.

(5) "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at 30 percentum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person (A) who (i) served on active duty with the Armed Forces for a period of more than 180 days, any part of which occurred after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-con-

nected disability if any part of such duty was performed after August 5, 1964, and (B) who was so discharged or released within the 48 months preceding his application for employment covered by this clause.

(h) If any disabled veteran or veteran of the Vietnam era believes that the Contractor (or any first-tier subcontractor) has failed or refuses to comply with the provisions of this contract clause relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the veterans' employment representative at a local State employment service office who will attempt to informally resolve the complaint and then refer the complaint with a report on the attempt to resolve the matter to the State office of the Veterans' Employment Service of the Department of Labor. Such complaint shall then be promptly referred through the Regional Manpower Administrator to the Secretary of Labor who shall investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of this contract and the laws and regulations applicable thereto.

(i) The Contractor agrees to place this clause (excluding this paragraph (h)(1)) in any subcontract directly under this contract.

#### GENERAL CONDITIONS FOR ADVERTISED CONSTRUCTION CONTRACTS

##### GC-1. CONDITIONS AT SITE OR BUILDING

The Contractor shall be responsible for inspecting the site and having ascertained pertinent local conditions by inspection and inquiry such as the location, accessibility and general characteristics of the site or building, labor conditions, the character and extent of existing work within or adjacent thereto, and any other work being performed thereon at the time of the submission of his bid. Nothing in this requirement shall be construed as being determinative of the character, scope or extent of the work required under this contract. The failure or omission of the Contractor to do any of the foregoing shall in no way relieve him from any obligation in respect to his work to be performed under the contract.

##### GC-2. MEASUREMENTS

All dimensions shown of existing work and all dimensions required for work that is to connect with work now in place, shall be verified by the Contractor by actual measurement of the existing work. Any discrepancies between the drawings and specifications and the existing conditions shall be referred to the Contracting Officer for adjustment before any work affected thereby has been performed.

##### GC-3. SAMPLES AND CERTIFICATES

Samples shall be submitted after award of contract, prepaid, in time for proper action by the Contracting Officer or his designated representative. Certificates and test data shall be submitted in triplicate to show compliance of materials and construction specified with the specified performance requirements. Samples shall be submitted in duplicate by the Contractor, except as otherwise specified, to show compliance with the contract requirements.

##### GC-4. PERFORMANCE OF WORK BY CONTRACTOR

The Contractor shall perform on the site, and with his own organization, work equivalent to at least twenty percent (20%) of the total amount of work to be performed under the contract. If, during the progress of the work hereunder, the Contractor requests a reduction in such percentage, and the Contracting Officer determines that it

would be to the Government's advantage, the percentage of the work required to be performed by the Contractor may be reduced, provided, written approval of such reduction is obtained by the Contractor from the Contracting Officer.

#### GC-5. USE OF PREMISES

(a) *General.* The Contractor shall comply with the security requirements and regulations governing the operation of the premises; shall perform his contract activities in such a manner as not to interrupt or interfere with the conduct of Government business; and shall be liable for all damage caused by him to Government Owned Property, both real and personal.

(b) *Area of operations.* All operations of the Contractor upon Government premises shall be confined to areas authorized or approved by the Contracting Officer. Materials for construction shall be neatly stored and protected against weather.

(c) *Use of roadways.* The Contractor shall, under regulations prescribed by the Contracting Officer, use only established roadways or construct and use such temporary roadways as may be authorized by the Contracting Officer. Where materials are transported in the prosecution of the work, vehicles shall not be loaded beyond the loading capacity recommended by the manufacturer of the vehicle or prescribed by any Federal, State, or local law or regulation. When it is necessary to cross curbs or sidewalks, protection against damage shall be provided by the Contractor and any damaged roads, curbs, or sidewalks shall be repaired by, or at the expense of the Contractor. The Contractor shall prepare off-the-road areas adjacent to the construction site for parking, storage of equipment and supplies as required during construction and will in no way interfere or block access to any buildings or facilities within the area involved.

(d) *Signs and advertisements.* Signs and Advertisements will not be permitted on the construction site unless approval has been obtained from the Contracting Officer, however, the Contractor shall provide such signs, as required, to expedite deliveries to the contract site, for safety and to prevent interference with Government operations.

(e) *Protection of existing structures, utilities and vegetation.* The contractor shall preserve and protect all existing vegetation such as trees, shrubs, and grass on or adjacent to the site except those designated by the Contracting Officer for removal, replacement or relocation in the course of construction. The Contractor shall be responsible for all cutting or damaging of trees and vegetation, including damage due to careless operation of equipment, stockpiling of materials or tracking of grass areas by equipment. Any damage to existing structures, utilities and vegetation caused by the Contractor shall be repaired or restored promptly by and at the expense of the Contractor. If the Contractor fails to act promptly, the Government will make repairs and restoration and the cost thereof shall be charged to the Contractor or deducted from any payments due him.

(f) *Temporary buildings.* Storage sheds, shops, offices, etc., may be erected by the Contractor only with the approval of the Contracting Officer, and shall be built with labor and materials furnished by the Contractor without expense to the Government. Such temporary buildings and utilities shall remain the property of the Contractor and shall be removed by him at his expense upon the completion of the work. With the written consent of the Contracting Officer, such buildings and utilities may be abandoned and need not be removed.



## GC-6. SAFETY AND HEALTH

(a) In order to protect the life and health of employees and other persons; prevent damage to property, materials, supplies, and equipment; and to avoid work interruptions, the Contractor shall, in the performance of this contract, comply with applicable provisions of Federal, State, and municipal safety, health, and sanitation laws and codes.

(b) The Contractor shall also comply with all pertinent provisions of the safety and health regulations of the Department of Labor, Bureau of Labor Standards, 29 CFR Part 1926. The Contracting Officer shall notify the Contractor, in writing, of any non-compliance and indicate to the Contractor the action to be taken. The Contractor shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice, when served on the Contractor or his representative(s) at the site of the work, shall be deemed sufficient.

(c) If the Contractor fails or refuses to comply promptly with requirements, the Contracting Officer may issue an order to suspend all or any part of the work. When satisfactory corrective action is taken an order to resume work will be issued. No part of the time lost due to any such suspension order shall entitle the Contractor to any extension of time for the performance of the contract or to excess costs or damages.

(d) The Contractor shall maintain an accurate record of, and shall immediately report orally or otherwise to the Contracting Officer all causes of death, occupational diseases, or traumatic injury arising out of or in the course of employment incident to the performance of work under the contract. Upon receipt of this notice, the Contracting Officer will forward EPA Form 1440-1 entitled, "Supervisor's Report of Accident" which shall be completed by the Contractor and forwarded to the Contracting Officer within seven (7) days after receipt thereof.

(e) During the performance of work under the contract, the Contractor shall comply with all procedures prescribed by the Contracting Officer for the control and safety of persons visiting the job site and shall comply with such requirements to prevent accidents as may be specified or issued by the Contracting Officer.

(f) The Contractor shall be responsible for insuring that his subcontractors comply with the provisions of this paragraph.

## GC-7. DEBRIS AND CLEANING

(a) The Contractor shall promptly dispose of dirt, debris and litter, and keep the site clean at all times during the progress of the work.

(b) Upon completion of the work, the Contractor shall remove all construction equipment and surplus materials, except materials which remain the property of the Government as provided in the specifications, and shall leave the premises in a clean condition satisfactory to the Contracting Officer.

## GC-8. EQUITABLE ADJUSTMENTS

The provisions of the "Changes" clauses of Standard Form 23-A, General Provisions, are supplemented as follows:

(a) Upon written request, the Contractor shall submit a proposal, in accordance with the requirements and limitations set forth in this "Equitable Adjustment" clause, for work involving contemplated changes covered by the request. The proposal shall be submitted within the time limit indicated in the request or any extension of such time as may be subsequently granted. The Contractor's written statement of the monetary extent of a claim for equitable adjustment shall be submitted in the following form:

(1) Proposals totaling \$5,000.00 or less shall be submitted in the form of a lump sum proposal with supporting information to clearly relate elements of cost with specific items of work involved to the satisfaction of the Contracting Officer, or his authorized representative.

(2) For proposals in excess of \$5,000.00, the claim for equitable adjustment shall be submitted in the form of a lump sum proposal supported with an itemized breakdown of all increases and decreases in the contract in at least the following detail:

(b) *Direct Costs.* Material quantities by trades and unit costs (manufacturing burden associated with material fabrication performed off the job site will be considered to be part of the material costs of the fabricated item delivered to the job site). Labor breakdown by trades and unit costs (identified with specific item of material to be placed or operation to be performed). Construction equipment exclusively necessary for the change. Costs of preparation and/or revision to shop drawings resulting from the change. Workmen's Compensation and Public Liability Insurance.

Employment taxes when size of change warrants revision.

(c) *Overhead, Profit and Commission.* The maximum allowable overhead, profit, and commission percentage given in this paragraph shall be considered to include, but are not limited to, job-site staff and office expense, incidental job burdens, small tools and general office overhead allocation. The percentages for overhead, profit and commission shall be negotiated and may vary according to the nature, extent and complexity of the work involved, but in no case shall exceed the following:

	Overhead	Profit	Commission
	Percent		
To Contractor on work performed by other than his own forces			10
To first tier subcontractor on work performed by his subcontractors			10
To Contractor and/or the subcontractors for that portion of the work performed with their respective forces	10	10	

Not more than four percentages, not to exceed the maximum percentages shown above, will be allowed regardless of the number of tier subcontractors. On proposals covering both increases and decreases in the amount of the contract, the application of overhead and profit percentages shall be on the net increase in direct costs for the Contractor or subcontractor performing the work. However, where the Contractor or first tier subcontractor receives proposals in additive and deductive amounts from separate lower tier subcontractors, the commission shall be allowed on the added amounts prior to subtraction of the credit amounts.

(d) The Contractor shall submit with the proposal his request for time extension (if any), and shall include sufficient information and dates to demonstrate whether and to what extent the change will delay the contract in its entirety.

(e) In considering a proposal, the Government shall make check estimates in detail, utilizing unit prices where specified or agreed upon, with a view to arriving at an equitable adjustment.

(f) After receipt of a proposal the Contracting Officer shall act thereon, within 30

days: *Provided, however,* That when the necessity to proceed with a change does not allow time properly to check a proposal or in the event of failure to reach an agreement on a proposal, the Government may order the Contractor to proceed on the basis of price to be determined at the earliest practicable date. Such price shall not be more than the increase or less than the decrease proposed, except that on proposals under \$100,000.00, the increase shall not exceed the proposed increase plus 10 percent.

(g) Except in unusual cases where neither the Contractor nor the Government can ascertain the full extent of the work which will be required pursuant to a change until the work involved therein has been substantially completed, final agreement on a proposal shall be effected no later than the time when the work involved is estimated by the Contracting Officer to be 50 percent complete; in the event final agreement cannot be reached by that time, the Contracting Officer shall issue a unilateral determination as to the equitable adjustment of the contract price and the time required for performance of the contract.

(h) The provisions of the "Differing Site Conditions" clause of Standard Form 23-A, General Provisions, are supplemented as follows: The Contractor shall submit all claims for equitable adjustment in accordance with, and subject to the requirements and limitations set out in this "Equitable Adjustments" clause.

## GC-9. BREAKDOWN FOR PAYMENT ESTIMATES

(a) Before the first partial payment under the contract becomes due, the Contractor and Contracting Officer shall jointly prepare a schedule of the estimated values of each principal category of the work which when added together equal the total contract price. The values in the schedule will be used only for determining partial payments and shall be in such detail as may be required by the Contracting Officer. The cost of preparatory work, overhead, profit, bonds, and insurance, taxes, warranties, as-built drawings, etc., shall be prorated into items of work through the life of the contract.

(b) Partial Payments containing requests for materials on site shall be accompanied by itemized inventory lists with unit prices and supporting invoices showing unit costs of materials on site.

(c) Contracting Officer may request evidence of payments by the Contractor to subcontractors at any time during the contract period.

## GC-10. COOPERATION WITH OTHER CONTRACTORS

Coordination: During the construction period of the work covered by this contract, other contractors performing work for the Government may be operating concurrently at the site. To minimize interference and delay to the construction progress of all concerned, all contractors shall cooperate with each other and coordinate their construction operations to the fullest extent. As far as practicable, all contractors performing work for the Government at the site shall have equal rights to the use of all reference facilities. In a dispute regarding coordination of work, the matter shall be referred to the Contracting Officer for adjustment.

## GC-11. SPECIFICATIONS AND DRAWINGS

(a) *Additional drawings and specifications.* Six sets of contract drawings and specifications will be furnished the Contractor by the Contracting Officer after award of the contract, without charge. Additional sets may be obtained on request at the cost of reproduction. Six copies will be furnished to the



Contractor of drawings and specifications revised as a result of changes under the contract.

(b) *Omissions.* Omissions from the drawings or specifications of details of work manifestly necessary to carry out the intent of the drawings and specifications, or that are customarily performed or required for warranted manufacturer's installation, shall not relieve the Contractor from performing as if fully and correctly set forth and described in the drawings and specifications.

(c) *Checking of drawings.* The Contractor shall check all drawings immediately upon receipt. Drawings shall not be scaled. Large scale drawings shall in general govern over small scale drawings. On any of the drawings where a portion of the work is drawn out and the remainder is shown in outline, the parts drawn out shall apply also to all other like portions of the work.

(d) *Deviations.* Deviations from the drawings and the dimensions therein given, whether or not errors believed to exist, shall be made only after written authority is obtained from the Contracting Officer.

#### GC-12. RIGHTS IN SHOP DRAWINGS

(a) Shop drawings for construction means drawings, submitted to the Government by the Construction Contractor, subcontractor or any lower tier subcontractor pursuant to a construction contract, showing in detail (1) the proposed fabrication and assembly of structural elements and (2) the installation (i.e., form, fit, and attachment details) of materials or equipment. The Government may duplicate, use, and disclose in any manner and for any purpose shop drawings delivered under this contract.

(b) This clause, including this paragraph (b), shall be included in all subcontracts hereunder at any tier.

#### GC-13. SHOP DRAWINGS

(a) The Contractor shall submit shop drawings with such promptness as to cause no delay in his own work or in the work of any other contractor.

(b) One reproducible copy and two prints of the contractor's drawing for each sheet of the shop drawing shall be forwarded to the Contracting Officer accompanied by the original letter of transmittal and two (2) copies. After review, the reproducible copy will be returned to the Contractor by the Contracting Officer stamped "Approved," "Approved Except as Noted," or "Not Approved." The Contractor's original drawings shall be revised or new tracings prepared as may be necessary and a reproducible copy and prints resubmitted in number and procedure as hereinbefore stated. The reproducible shall be made by the "Ozolid," "Autopositive," or other means acceptable to the Contracting Officer and each shall have an area about 4 x 8 inches left blank adjoining the title block where the stamp of approval may be imprinted.

(c) Two copies of catalogues, cuts, data and similar printed materials shall be submitted to the Contracting Officer. One copy of each item submitted for approval will be returned to the Contractor by the Government, approved or marked to indicate the corrections required. If additional copies are desired by the Contractor, the number of copies submitted shall be increased accordingly.

(d) Shop drawings shall consist of fabrication drawings, erection drawings, manufacturer scale drawings, wiring diagrams, cuts or catalogues, pamphlets, descriptive literature, performance and test data.

(e) Unless otherwise specified, shop drawings shall be submitted fully detailed and dimensioned for the work of all sections of the specifications.

(f) Approval of the Contractor's drawing by the Contracting Officer shall in no way relieve the Contractor of any of his responsibilities under the contract. Fabrication, erection, setting of other work shall not be performed in advance of the receipt of "Approved" or "Approved Except as Noted" drawings.

(g) Each shop drawing shall have the following information clearly marked thereon:

- (1) The job name, which shall be the general title of the contract drawings.
- (2) The date of the drawings and all revisions.
- (3) Name of Contractor.
- (4) Name of subcontractor.
- (5) The name of the item, material or equipment detailed thereon.
- (6) Transmittal letters and submissions should specifically indicate the section and paragraph of the specifications under which the approvals are being requested.

Variations from contract requirements shall be specifically pointed out in transmittal letters. Failure to point out deviations may result in the Government requiring rejection and removal of such work at no additional cost to the Government.

#### GC-14. PRODUCTS SPECIFIED BY TRADE NAME "OR EQUAL"

Wherever a patented proprietary, or trade name is used in the specifications with the qualifying phrase "or equal" the use of the trade name, etc., does not restrict bidders to that manufacturer's product or to the specified brand named. This method is used merely to indicate the particular type, design, character, or quality of the article desired. Products of other manufacturers and other brands will be considered provided they conform to these general requirements and provided the Contractor submits proper data to indicate equality. The Contracting Officer will decide the question of equality.

#### GC-15. AS-BUILT DRAWINGS

(a) *As-built drawings.* The Contractor shall maintain during the progress of the work a complete and up-to-date set of record prints, which shall be open to inspection by the Contracting Officer at any time. These prints shall be marked up to record all changes in the work and the exact location of all exposed and concealed pipe runs, valves, plugged outlets, cleanouts and other control points including electrical conduits and ducts, in such manner as will provide a complete, accurate as-built record. The location of pipes or control points concealed underground, under concrete, in chases or above hung ceilings shall be dimensioned. As-built drawings shall be neatly marked with colored pencils or ink, and shall be delivered to the Contracting Officer in a condition satisfactory to him as a condition precedent to final acceptance of the work.

#### GC-16. CONTRACTOR INSPECTION SYSTEM

The Contractor shall (1) maintain an adequate inspection system and perform such inspections as will assure that the work performed under the contract conforms to contract requirements, and (2) maintain and make available to the Government adequate records of such inspections.

#### GC-17. GOVERNMENT INSPECTION

(a) The work will be conducted under the general direction of the Contracting Officer or his duly authorized representative and is subject to inspection by his appointed inspectors to insure strict compliance with the terms of the contract. No inspector is authorized to change any provisions of the specifications or other portions of the contract

without written consent of the Contracting Officer or his duly authorized representative nor shall the presence or absence of an inspector relieve the Contractor from any requirements of this contract.

(b) The Government reserves the right to appoint other or additional representatives authorized to inspect the work and the authority of any representative so appointed shall be subject to the same limitations as stated in the preceding paragraph unless the Contracting Officer shall otherwise direct in writing.

(c) The Contractor shall furnish the inspector daily job time sheets indicating number of employees, hours worked and description of work performed, identified for the contractor and each subcontractor.

(d) At least twenty-four hours shall be allowed for Government inspection prior to any test or concrete placement. The inspection will be made after notification that all items have been installed for the test or concrete placement. Should the inspection reveal that corrective measures are required or that the work is not complete, an additional twenty-four hours will be allowed to complete the Government inspection after all work has been corrected or completed.

(e) The Contracting Officer shall be notified at least twenty-four hours in advance of backfilling or encasing of any underground utility in order that final location and elevations can be recorded by the Government survey. Failure to provide such notification may require reopening of trench to obtain survey data and backfilling, all at the Contractor's expense.

(f) If any part of the work as installed be at variance with the contract requirements, the Contracting Officer may, if he finds it to be in the interests of the Government, allow all or any part of such work to remain in place, subject to a proper adjustment in the contract price.

(g) The Contractor shall give the Contracting Officer at least ten (10) days advance notice of the date the work will be fully completed and ready for final inspection and tests. Should it develop that the work installed does not justify such inspection at that time, or that the character of the materials or workmanship is such that reinspection is found necessary, the cost of such reinspection including the salary of the inspector, his traveling and other expenses, shall be borne by the Contractor and will be deducted from any money due him on his contract.

#### GC-18. STANDARD REFERENCES

(a) Any materials, equipment, or workmanship specified by reference to the number, symbol, or title of any specific Standard shall comply with the latest edition or revision thereof and any amendment or supplement thereto in effect on the date of the Invitation for Bids, except as limited to type, class or grade, or modified in these specifications.

(b) Standards referred to in the specifications are incorporated herein by reference.

(c) "Federal Specifications," "Commercial Standards," and "Simplified Practice Recommendations" can be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. Directions for purchase and the price of each copy are contained in the respective indexes obtainable from the same source at current prices.

(d) Standards of Associations referred to in the specifications may be obtained directly from the Association.



## GC-19. WEATHER DATA-CLIMATIC CONDITIONS

(a) Data regarding weather conditions in the project area may be found in the "Climatological Data in Annual Summary," published by the U.S. Weather Bureau. In ascertaining facts and extent of delay due to unusually severe weather under Clause 5 of General Provisions (Standard Form 23-A) of the contract entitled "Termination for Default—Damages for Delay—Time Extensions," the average weather conditions as determined from the aforementioned data publication, over the last five year period will be used as a comparison.

(b) When so ordered by the Contracting Officer, the Contractor shall suspend only work that may be subjected to damage by climatic conditions.

## GC-20. GUARANTEE

Unless otherwise provided in the specifications, the Contractor guarantees all mechanical and electrical work to be in accordance with contract requirements and free from defective or inferior materials, equipment, and workmanship for one year after the date of final acceptance or the date the equipment or work was placed in use by the Government.

If, within any guarantee period, the Contracting Officer finds that guaranteed work needs to be repaired or changed because of the use of materials, equipment, or workmanship which, in his opinion, are inferior, defective, or not in accordance with the terms of the contract, he shall so inform the Contractor in writing and the Contractor shall promptly and without additional expense to the Government:

Place in a satisfactory condition all of such guaranteed work;

Satisfactorily correct all damage to equipment, the site, the building or contents thereof, which is the result of such unsatisfactory guaranteed work; and

Satisfactorily correct any work, materials, and equipment that are disturbed in fulfilling the guarantee, including any disturbed work, materials and equipment that may have been guaranteed under another contract.

Should the Contractor fail to proceed promptly in accordance with the guarantee, the Government may have such work performed at the expense of the Contractor.

Any special guarantees that may be required under the contract shall be subject to the stipulations set forth above, insofar as they do not conflict with the provisions of such special guarantees.

The Contractor shall obtain each transferable guarantee or warranty of equipment, materials or installation thereof which is furnished by any manufacturer, supplier or installer in the ordinary course of the manufacturer's, supplier's or installer's business or trade. In addition, the Contractor shall obtain and furnish to the Government all information which is required in order to make any such guarantee or warranty legally binding and effective, and shall submit both the information and the guarantee or warranty to the Government in sufficient time to permit the Government to meet any time limit requirements specified in the guarantee or warranty or, if no time limit is specified, prior to completion and acceptance of all work under this contract.

## GC-21. PROGRESS CHARTS AND REQUIREMENTS FOR OVERTIME WORK

(a) The Contractor shall within ten (10) days or within such time as determined by the Contracting Officer, after date of commencement of work, prepare and submit to the Contracting Officer for approval a practicable schedule, showing the order in which the Contractor proposes to carry on the work, the date on which he will start the several salient features (including procurement of materials, plant, and equipment) and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart of suitable scale to indicate appropriately the percentage of work scheduled for completion at any time. The Contractor shall enter on the chart the actual progress at such intervals as directed by the Contracting Officer, and shall immediately deliver to the Contracting Officer three copies thereof. If the Contractor fails to submit a progress schedule within the time herein prescribed, the Contracting Officer may withhold approval of progress payment estimates until such time as the Contractor submits the required progress schedule.

(b) If, in the opinion of the Contracting Officer, the Contractor falls behind the progress schedule, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Officer may require him to increase the number of shifts, or overtime operations, days of work, or the amount of construction plant, or all of them, and to submit for approval such supplementary schedule or schedules in chart form as may be deemed necessary to demonstrate the manner in which the agreed rate of progress will be regained, all without additional cost to the Government.

(c) Failure of the Contractor to comply with the requirements of the Contracting Officer under this provision shall be grounds for determination by the Contracting Officer that the Contractor is not prosecuting the work with such diligence as will insure completion within the time specified. Upon such determination the Contracting Officer may terminate the Contractor's right to proceed with the work, or any separable part thereof, in accordance with the clause of the contract entitled "Termination for Default—Damages for Delay—Time Extensions."

## GC-22. LAY OUT OF WORK

The Contractor shall lay out his work from Government established base lines and bench marks indicated on the drawings and shall be responsible for all measurements in connection therewith. The Contractor shall furnish, at his own expense, all stakes, templates, platforms, equipment, tools, and materials and labor as may be required in laying out any part of the work from the base lines and bench marks established by the Government. The Contractor will be held responsible for the execution of the work to such lines and grades as may be established or indicated by the Contracting Officer. It shall be the responsibility of the Contractor to maintain and preserve all stakes and other marks established by the Contracting Officer until authorized to remove them. If such marks are destroyed, by the Contractor or through his negligence, prior to their authorized removal, they may be replaced by the Contracting Officer at his discretion. The expense of

replacement will be deducted from any amounts due or to become due the Contractor.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.)

[FR Doc. 73-24370 Filed 11-14-73; 8:45 am]

## CHAPTER 114—DEPARTMENT OF THE INTERIOR

## Control and Use of Tax-Free Alcohol

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, a new § 114-60.605 is added to Subpart 114-50.6, Chapter 114, Title 41 of the Code of Federal Regulations and § 114-26.600-50 is amended as set forth below.

These regulations update and codify existing Departmental policies related to the control and use of tax-free alcohol. It is, therefore, determined that the public rule-making procedure is unnecessary and the new and revised Sections shall become effective on November 25, 1973.

Dated: November 8, 1973.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

## PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

## Subpart 114-26.6—Procurement Sources Other Than GSA

The first paragraph of § 114-26.600-50 is amended to read as follows:

§ 114-26.600-50 Procurement of tax-free alcohol.

(a) *Regulatory requirement.* Government-wide regulations governing the procurement and use of tax-free alcohol are contained in Part 213 of Title 26, Code of Federal Regulations.

(b) *Departmental policy.* It is the policy of the Department of the Interior to utilize tax-free ethyl alcohol and tax-free specially denatured alcohol only when no other acceptable commercial product exists or can be procured. To ensure that this policy is strictly enforced, an annual review shall be made to determine the availability of acceptable commercial products which may be substituted for tax-free alcohol without adversely affecting the quality of the work performed or the health or safety of employees.

(c) *Tax-free permits.* The Internal Revenue Service has issued permits for the purchase of tax-free alcohol and specially denatured spirits for use in the United States and the Territories and possessions. The following is a list of the



current permits and the names and address of the manufacturers from whom such items should be procured:

**PART 114-60—PERSONAL PROPERTY MANAGEMENT**

**Subpart 114-60.6—Stores Records**

Subpart 114-60.6 is amended as follows:

1. The table of contents is amended by the addition of the following:

- Sec.  
114-60.605 Records and control of tax-free alcohol.  
114-60.605-1 Annual review and report of tax-free alcohol.

2. A new section 114-60.605 is added reading as follows:

**§ 114-60.605 Records and control of tax-free alcohol.**

Bureaus and Offices are responsible for establishing inventory controls at each installation authorized to procure and use tax-free alcohol to ensure that:

(a) Purchases of tax-free alcohol are restricted to amounts reasonably commensurate with foreseeable requirements.

(b) Inventories are maintained at minimum levels consistent with anticipated needs.

(c) Receipts and issues from inventory are documented and processed in conformance with the formal stores accounting methods prescribed in this Subpart 114-60.6.

(d) Inventory and working stocks of tax-free alcohol are stored so as to restrict access to designated personnel.

(e) Withdrawals from inventory are made only upon written authorization reflecting the use to be made of the alcohol and the exact quantity to be issued.

**§ 114-60.605-1 Annual review and report of tax-free alcohol.**

(a) *Review.* An annual review shall be made of all tax-free alcohol transactions to include:

(1) Verification of inventory and working stock balances.

(2) Analysis of purchases, receipts, and issues.

(3) Verification of official use.

(4) Full disclosure and reconciliation of unaccountable quantities.

(5) Checking of entire alcohol handling operation for compliance with applicable regulations.

(b) *Report.* If the annual review discloses (1) excessive purchases or use of alcohol in relation to the work performed, (2) inadequate physical or record controls, or (3) any indication of possible unauthorized use, a written report of such disclosure, including supporting details, shall be made to the responsible management official for appropriate remedial action.

[FR Doc. 73-24338 Filed 11-14-73; 8:45 am]

**PART 114-60—PERSONAL PROPERTY MANAGEMENT**

**Subpart 114-60.8—Periodic Inventories of Personal Property**

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, a new Subpart 114-60.8 is added to Part 114-60, Title 41 of the Code of Federal Regulations as set forth below.

Since this new subpart relates only to matters of internal Departmental policies and procedures, it is determined that the public rulemaking procedure is unnecessary and this regulation shall become effective on November 15, 1973.

Dated November 8, 1973.

RICHARD R. HITE,  
Deputy Assistant Secretary  
of the Interior.

- Sec.  
114-60.800 Physical inventories.  
114-60.801 Responsibility.  
114-60.802 Special inventories.  
114-60.830 Periodic reconciliation.  
114-60.804 Inventory report.

AUTHORITY: 5 U.S.C. 301.

**§ 114-60.800 Physical inventories.**

Physical inventories of personal property shall be conducted at periodic intervals in accordance with the following:

(a) *Capitalized property.* A complete physical inventory shall be taken of all capitalized property at least once biennially, but may be taken at more frequent intervals at the discretion of the head of each Bureau or Office. A physical inventory shall be taken at intervals more frequently than biennially whenever experience at any given location or with any given item indicates that this action is necessary for effective property accounting, utilization, or control.

(b) *Noncapitalized property.* The head of each Bureau and Office shall prescribe the manner and extent to which noncapitalized property shall be inventoried within the Bureau or Office, except that in any event:

(1) An annual physical inventory shall be taken of any noncapitalized property the cost of which is recorded in a stores account. (See Subpart 114-60.6.)

(2) A physical inventory shall be taken of all noncapitalized property in custody of an individual employee upon his transfer or separation. Any items of property not properly accounted for at time of transfer or separation shall be made the subject of a Report of Survey or Certificate of Loss in accordance with the provisions of Subpart 114-60.9.

(c) *Expendable property.* A complete physical inventory shall be taken at least once each year of all expendable property (See definition in § 114-60.102(e)) the cost of which is recorded in a stores

account. Materials and supplies and other expendable property carried as cupboard stocks (where the cost of the items has been charged to expense accounts), shall be subjected to periodic visual inspection to prevent over or under stocking and to ensure that any unneeded items are disposed of on a progressive basis.

**§ 114-60.801 Responsibility.**

The accountable officer is responsible for ensuring that the prescribed physical inventories are conducted. The accountable officer may, however, delegate the responsibility for actually taking the inventory to other employees, such as, members of the property management staff, designated inventory teams, or he may require that each employee submit a physical inventory of the property in his custody, certifying to its correctness. The nature of the operations and availability of personnel will generally dictate the method best suited to the individual office or location.

**§ 114-60.802 Special inventories.**

Special inventories may be required during audits; when there is a change of accountable officers; or when other circumstances arise requiring an inventory. Whenever there is a change of accountable officers, the procedures outlined in Subpart 114-60.7 for transferring accountability shall be observed.

**§ 114-60.803 Periodic reconciliation.**

The results of the prescribed physical inventories shall be compared with the quantities recorded in the accountability, responsibility, stores, and such other records as may be maintained for inventory management purposes. Any differences between the physical count of an item and the quantity balance reflected in the property records for the item shall be promptly reconciled and adjusted. Such adjustments shall be appropriately documented. Reconciliation and adjustment shall be completed within 120 days after the effective date of the physical inventory of the property.

**§ 114-60.804 Inventory report.**

After completing the physical counting, reconciliation, and adjustment process, the accountable officer shall certify in writing to his central office that such inventories have been completed and that subsidiary property records reflect actual quantities on hand and are in agreement with general ledger control accounts. In addition to this certification, bureaus and offices at the Washington, D.C. level, or regional or area offices thereof, may require that periodic inventory reports be submitted in detail including the results of the physical inventory and the reconciliation with property and accounting records. Inventory of Property, Form DI-106, and Continuation Sheet, Form DI-106a or a modification of these forms, may be used



for reporting purposes and for recording the results of the inventory at the discretion of the head of each bureau or office.

[FR Doc.73-24339 Filed 11-14-73;8:45 am]

#### Title 50—Wildlife and Fisheries

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

#### PART 33—SPORT FISHING

##### Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on November 15, 1973.

#### § 33.5 Special regulations; sport fishing, for individual wildlife refuge areas. NORTH DAKOTA

##### AUDUBON NATIONAL WILDLIFE REFUGE

Lake Audubon, within Audubon National Wildlife Refuge is open to all fishing December 15, 1973 through March 24, 1974, and is closed from March 25 through December 14, 1974.

Sport fishing on the Audubon National Wildlife Refuge, Coleharbor, North Dakota, is permitted on all water areas throughout the refuge. The water area, comprising 5,900 acres is delineated on maps available at refuge headquarters or at the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, Bismarck, North Dakota 58501.

Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1973 through March 24, 1974, inclusive.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 24, 1974.

Dated November 9, 1973.

DAVID C. MCGLAUCHLIN,  
Refuge Manager, Audubon  
National Wildlife Refuge.

[FR Doc.73-24341 Filed 11-14-73;8:45 am]

#### Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER C—AIR PROGRAMS

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Parking Construction Facilities for National Capital Area

This rulemaking sets forth a regulation for review of proposed construction or modification of parking facilities of more than 250 spaces in the District of Columbia, Maryland, and Virginia portions of the National Capital Interstate Air Quality Control Region. It constitutes part of the transportation control plan for this region. The rest of the plan will be promulgated on November 20, 1973.

These regulations are being promulgated pursuant to an order of the Court of Appeals for the District of Columbia, entered November 8, 1973. Natural Resources Defense Council (NRDC) v. EPA, Civ. No. 72-1522 (January 31, 1973, as modified November 8, 1973). That court order granted respondent's (the Environmental Protection Agency's) request for extensions of the court-ordered deadlines for promulgation of transportation control plans for ten air quality control regions, subject to a qualification urged by petitioners that any regulation regarding review of parking facilities in the District of Columbia be promulgated earlier. (Since the Administrator desires to make the transportation control strategy for each jurisdiction in the Region consistent, regulations are also being promulgated for Maryland and Virginia today.)

Although the regulation proposed by EPA on August 2, 1973 (38 FR 20758), would have required review of such facilities only if the District of Columbia failed to implement the parking surcharge contained in its plan, the Administrator has determined that preconstruction review of parking facilities is a measure which is reasonably available immediately in the National Capital area, and is promulgating it accordingly.

Where pre-construction review regulations were included by EPA in proposed transportation control plans for various States, the regulations promulgated have been made applicable to any construction or modification which had not commenced as of August 15, 1973. This policy, which was intended to prevent last-minute initiation of projects to evade review, was announced in the FEDERAL REGISTER on August 3, 1973 (38 FR 20851), in which the Administrator corrected the effective date of several proposed regulations from "the date of this regulation" to "August 15, 1973," and stated that, in such situations, "It is the Agency's intention that any such regulation be effective on August 15, 1973, regardless of the date of proposal or promulgation." This change was made pursuant to another order of the Court in NRDC v. EPA, supra on July 26, 1973, in which the deadline for promulgation of transportation control plans was changed from August 15 to:

\* \* \* October 15, 1973, provided that any regulations requiring review of the construction, modification, or enlargement of parking facilities shall be applicable to such facilities beginning August 15, 1973.

However, in the case of both the National Capital area and Pennsylvania (for which regulations are also being promulgated today), since no prior notice of an August 15 effectiveness date has been given by the Agency, the Administrator believes it would be inappropriate to make the regulations applicable to any on-site construction or modification which had actually begun before the day on which the need for such review is announced, November 12, 1973, or for which a binding construction contract had been signed by all appropriate parties before such date.

Although the Administrator believes that he would have had discretion under

the Court order and general principles of administrative law to promulgate a retroactive regulation in these jurisdictions, considerations of equity, in his judgment, tipped the balance against it.

The regulation promulgated today prohibits the construction of any parking facility containing 250 or more spaces, any modification of any parking facility which would increase parking capacity by 250 or more spaces, and any construction or modification in increments which, when added together, would result in 250 or more new spaces, unless written approval has first been obtained from the Administrator or an agency designated by him.

The criteria for approval are that the facility will not cause a violation of the control strategy in the implementation plan, that it will be consistent with the plan's goals for reducing vehicle travel, and that the automotive emissions resulting from the facility—regardless of whether they are emitted on the premises or en route to or from it—will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard for a ten year period.

Applications for facilities involving an increase of 250 or more spaces must contain detailed information about the facility's possible impact on air quality and vehicle travel, as well as about the possibility of alternative transportation.

The regulation contains provisions for public notice of receipt of each construction application. A 30-day public comment period follows the notice with action required by the Agency within 30 days after the close of the public comment period. The Agency may approve, deny, or conditionally approve any application.

The Administrator invites public comment on all aspects of this promulgated regulation until December 21, 1973, including but not limited to the size of facilities being reviewed, the effective date, the criteria for approval or denial, and the information required to accompany each application. If such public comment shows that changes in the regulation are appropriate, they will be made. Comments should be sent to the Transportation Controls Staff, Assistant Administrator for Air and Water Programs, Room 937D West Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(42 U.S.C. 1857e-5(c) and 1857g)

Dated: November 12, 1973.

JOHN QUARLES,  
Acting Administrator.

Subparts J, V, and VV of Part 52 of Chapter I, Title 40, Code of Federal Regulations are amended as follows:

#### Subpart J—District of Columbia

1. Section 52.493 is added to read as follows:

#### § 52.493 Management of parking supply.

(a) Definitions:

All terms used in this section but not specifically defined below shall have the



meaning given them in Part 51 of this Chapter and this Part 52.

(1) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or portion thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(5) "Commence" means to undertake a continuous program of onsite construction or modification.

(b) This regulation is applicable in the District of Columbia.

(c) The requirements of this section are applicable to the following parking facilities in the areas specified in paragraph (b) of this section, the construction or modification of which is commenced after November 12, 1973.

(1) Any new parking facility with parking capacity for 250 or more motor vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 250 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under this section, but which, when all such increments occurring since November 12, 1973, are added together, as a total would subject the facility to review under this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided, that this paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before November 12, 1973.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or agency approved by him that:

(1) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan, and will be consistent with the plan's VMT reduction goals.

(2) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application.

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities which it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(7) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(8) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(9) An estimate of the effect of the facility on traffic pattern and flow.

(10) An estimate of the effect of the facility on total VMT for the air quality control region.

(11) An analysis of the effect of the facility on site and regional air quality, including a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(12) Additional information, plans, specifications, or documents required by the Administrator.

(g) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with the design submitted in the application and with applicable rules, regulations, and permit conditions.

(h) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the Region affected, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the affected air quality region.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

# Subpart V—Maryland

2. Section 52.1103 is added to read as follows:

## § 52.1103 Management of parking supply.

(a) Definitions:

All terms used in this section but not specifically defined below shall have the meaning given them in Part 51 of this chapter and this Part 52.

(1) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or portion thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(5) "Commence" means to undertake a continuous program of onsite construction or modification.

(b) This regulation is applicable in the Maryland portion of the National Capital Air Quality Control Region.

(c) The requirements of this section are applicable to the following parking facilities in the areas specified in paragraph (b) of this section, the construction or modification of which is commenced after November 12, 1973.

(1) Any new parking facility with parking capacity for 250 or more motor vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 250 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under this section, but which, when all such increments occurring since November 12, 1973, are added together, as a total would subject the facility to review under this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided, that this paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before November 12, 1973.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or agency approved by him that:

(1) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan, and will be consistent with the plan's VMT reduction goals.



(2) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application.

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities that it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(7) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(8) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(9) An estimate of the effect of the facility on traffic pattern and flow.

(10) An estimate of the effect of the facility on total VMT for the air quality control region.

(11) An analysis of the effect of the facility on site and regional air quality, including a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(12) Additional information, plans, specifications, or documents required by the Administrator.

(g) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with the design submitted in the application and with applicable rules, regulations, and permit conditions.

(h) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the Region affected, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(i) The application, all submitted information, and the terms of the proposed action shall be made available to the

public in a readily accessible place within the affected air quality region.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

#### Subpart VV—Virginia

3. Section 52.2443 is added to read as follows:

#### § 52.2443 Management of parking supply.

(a) Definitions:

All terms used in this section but not specifically defined below shall have the meaning given them in Part 51 of this chapter and this Part 52.

(1) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or portion thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(5) "Commence" means to undertake a continuous program of onsite construction or modification.

(b) This regulation is applicable in the Virginia portion of the National Capital Air Quality Control Region.

(c) The requirements of this section are applicable to the following parking facilities in the areas specified in paragraph (b) of this section, the construction or modification of which is commenced after November 12, 1973.

(1) Any new parking facility with parking capacity for 250 or more motor vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 250 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under this section, but which, when all such increments occurring since November 12, 1973, are added together, as a total would subject the facility to review under this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided, that this paragraph shall not apply to any proposed construction

or modification for which a general construction contract was finally executed by all appropriate parties on or before November 12, 1973.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or agency approved by him that:

(1) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan, and will be consistent with the plan's VMT reduction goals.

(2) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application.

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities that it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(7) A projection of the geographic area in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(8) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(9) An estimate of the effect of the facility on traffic pattern and flow.

(10) An estimate of the effect of the facility on total VMT for the air quality control region.

(11) An analysis of the effect of the facility on site and regional air quality, including a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(12) Additional information, plans, specifications, or documents required by the Administrator.

(g) Each application shall be signed by the owner or operator of the facility.



whose signature shall constitute an agreement that the facility shall be operated in accordance with the design submitted in the application and with applicable rules, regulations, and permit conditions.

(h) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the Region affected, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the affected air quality region.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

[FR Doc.73-24529 Filed 11-14-73; 8:45 am]

*Comment*

- a. Streptomycin is absorbed in the gastrointestinal tract.
- b. Humans and animals could be exposed to streptomycin directly or indirectly through use of the subject crops as food or feed.
- c. Resistant microbes might develop in humans from the proposed use.
- d. No evidence indicates that streptomycin is a fungicide.
- e. Large-scale application of streptomycin would result in inhalation and skin contact.

One other comment was received from the FDA stating that there was no indication that the proposed use of streptomycin would present any adverse regulatory microbiological problem.

Based on consideration given the comments received, the data submitted in

**SUBCHAPTER E—PESTICIDE PROGRAMS**  
**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Streptomycin**

In response to a petition (PP 1E1095) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Station of California, Florida, Idaho, Minnesota, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Utah, Washington, and Wisconsin, a notice was published by the Environmental Protection Agency in the *FEDERAL REGISTER* of July 20, 1973 (38 FR 19416), proposing establishment of tolerances for negligible residues of the fungicide streptomycin in or on the raw agricultural commodities celery, peppers, potatoes, and tomatoes at 0.25 part per million. No requests for referral to an advisory committee were received.

A number of comments were received from the Food and Drug Administration. The comments and the Agency's responses are as follows:

*Response*

- a. Streptomycin is only slowly absorbed in the gastrointestinal tract; furthermore, no residues will occur in the subject crops (see b below).
- b. Only seedling plants will be treated before transplanting so no residues of streptomycin will occur in the subject crops.
- c. See item b above.
- d. The classification is according to Sec. 2 (k) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.
- e. The user must be protected and this will be dealt with in the labeling.

the petition, and other relevant information, it is concluded that the proposal should be adopted and that the proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C.

346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by:

**§ 180.319 [Amended]**

1. Deleting the item "Streptomycin \* \* \*" from the list of items in the table § 180.319 *Interim tolerances*.
2. Revising § 180.245 to read as follows:

**§ 180.245 Streptomycin; tolerances for residues.**

Tolerances of 0.25 part per million are established for negligible residues of the fungicide streptomycin in or on the raw agricultural commodities celery, peppers, and tomatoes from treatment of the seedling plants before transplanting; potatoes from treatment of seed pieces; and pome fruits.

Any person who will be adversely affected by the foregoing order may at any time on or before December 17, 1973, after its date of publication in the *FEDERAL REGISTER* file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective on November 15, 1973.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))).

Dated: November 9, 1973.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.73-24369 Filed 11-14-73; 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 TREASURY

Customs Service

[ 19 CFR Part 1 ]

### CUSTOMS FIELD ORGANIZATION

#### Notice of Proposed Changes in Customs Region VIII

The new Ketchikan, Alaska, airport on Gravina Island in the Anchorage, Alaska, Customs district (Region VIII), was officially opened on June 30, 1973. In order to provide better Customs service to carriers, importers, and the public in that area, it is proposed to extend the existing port limits of Ketchikan, Alaska, to include the new airport.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), it is proposed to extend the port limits of Ketchikan, Alaska, in the Anchorage, Alaska, Customs district (Region VIII), to include all that territory within the city limits of Ketchikan, Alaska, and all points on the narrows and inlets from the northwestern city limits of Ketchikan to and including Ward Cove, Alaska, and all points on the narrows and inlets from the southeastern city limits of Ketchikan to and including Herring Bay, Alaska, and that portion of Gravina Island designated as and physically occupied by the Ketchikan International Airport which will include the runways, ramp area, terminal buildings, and any support facility immediately adjacent to the runway but excluding all of the shoreline of Gravina Island and all contact it may have with Tongass Narrows, Nichols Passage, Clarence Strait, Behm Canal, or any other body of water.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before December 17, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL]

EDWARD L. MORGAN,  
Assistant Secretary  
of the Treasury.

[FR Doc.73-24368 Filed 11-14-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 913 ]

### GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

#### Proposed Approval of Expenses and Fixing of Rate of Assessment for 1973-74 Fiscal Period

This notice invites written comment relative to the proposed expenses of \$31,025 and rate of assessment of \$0.005 per standard packed box of grapefruit to support the activities of the Interior Grapefruit Marketing Committee for the 1973-74 fiscal period under Marketing Order No. 913.

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established under the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period August 1, 1973, through July 31, 1974, will amount to \$31,025.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at \$0.005 per standard packed box.

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

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 23, 1973. All written submissions made 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)).

Dated: November 12, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[FR Doc.73-24410 Filed 11-14-73;8:45 am]

[ 7 CFR Part 926 ]

### TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

#### Proposed Increase in Expenses for 1973-74 Season

This notice invites written comments relative to a proposed increase of \$14,834 in the Industry Committee expenses during the 1973-74 season (April 1, 1973, through March 31, 1974) under Marketing Order No. 926. Said increase would change the seasonal committee budget from \$55,215 to \$70,049 with no change in the related rate of assessment on handlers of regulated Tokay grapes.

Consideration is being given to the following proposal submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

That the Secretary find that provisions pertaining to the committee expenses in paragraph (a) of § 926.213 Expenses and rate of assessment (38 FR 21389), be amended to read as follows:

§ 926.213 Expenses and rate of assessment.

(a) Expenses. Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1973, through March 31, 1974, will amount to \$70,049.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 30, 1973. All written submissions made 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)).

Dated: November 12, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural and  
Marketing Service.

[FR Doc.73-24409 Filed 11-14-73;8:45 am]



## [ 7 CFR Part 971 ]

## LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

## Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the South Texas Lettuce Committee to spend not more than \$25,850 for its operations during the fiscal period ending July 31, 1974, and to collect one and one half cents (\$0.015) per carton of lettuce handled by first handlers under the programs.

The committee is the administrative agency established under Marketing Agreement No. 144 and Order No. 971, both as amended, regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 26, 1973. All written comments will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

## § 971.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1974, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to \$25,850.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one and one half cents (\$0.015) per carton of assessable lettuce handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1974, may be carried over as a reserve to the extent authorized in § 971.43(a)(2).

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: November 12, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc.73-24408 Filed 11-14-73; 8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

## [ 14 CFR Part 71 ]

[Airspace Docket No. 73-SW-69]

## TRANSITION AREA

## Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations to alter the Minden, La., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received by December 17, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

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

## MINDEN, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Minden-Webster Airport (latitude 32°39'00" N., longitude 93°18'00" W.) and within 2.5 miles each side of Shreveport VORTAC 105° T (098° M) radial extending from the 5-mile radius area to 25 miles east of the VORTAC and within 3 miles each side of the 021° T (015° M) bearing from the NDB (latitude 32°38'28" N., longitude 93°18'08" W.) extending from the 5-mile radius area to 8 miles north of the NDB.

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

Issued in Fort Worth, Tex., on November 2, 1973.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.73-24362 Filed 11-14-73; 8:45 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 73-SW-71]

## TEMPORARY TRANSITION AREAS

## Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate temporary 700-foot transition areas at Turnersville, Cranfills Gap, Longhorn, Evant, and Mullin, Tex., for the period February 8, 1974, to March 15, 1974.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received by Nov. 17, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

§ 71.181 (38 FR 435), the following temporary transition areas are added:

## TURNERSVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Turnersville temporary nondirectional radio beacon (latitude 31°31'40" N., longitude 97°44'45" W.).

## CRANFILLS GAP, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Cranfills Gap temporary GCA radar facility (latitude 31°41'56" N., longitude 97°45'50" W.).

## LONGHORN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Longhorn temporary GCA radar facility (latitude 31°22'20" N., longitude 97°40'00" W.).

## EVANT, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Evant temporary nondirectional radio beacon (latitude 31°34'36" N., longitude 98°09'10" W.).

## MULLIN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Mullin temporary nondirectional radio beacon (latitude 31°33'36" N., longitude 98°36'10" W.).

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

Issued in Fort Worth, Tex., on November 2, 1973.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.73-24364 Filed 11-14-73; 8:45 am]



## [ 14 CFR Part 71 ]

[Airspace Docket No. 73-SW-70]

## TRANSITION AREA

## Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Atlanta, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, PO Box 1689, Fort Worth, Texas 76101. All communications received by December 17, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

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

## ATLANTA, TEX.

That airspace extending from 700 feet above the surface within a 5-mile radius of Atlanta Municipal Airport (latitude 33°06'10"N., longitude 94°11'40"W.) and within 3 miles each side of the 047° T (040° M) bearing from the NDB (latitude 33°06'13"N., longitude 94°11'25"W.) extending from the 5-mile radius area to a point 8 miles north-east of the NDB.

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

Issued in Fort Worth, Tex., on November 2, 1973.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.73-24363 Filed 11-14-73;8:45 am]

ENVIRONMENTAL PROTECTION  
AGENCY

[ 40 CFR Part 52 ]

## OHIO

Approval and Promulgation of State  
Implementation Plans

On January 30, 1972, the Governor of Ohio submitted the "Implementation

Plan for the Control of Suspended Particulate, Sulfur Dioxide, Carbon Monoxide Hydrocarbons, Nitrogen Dioxide, and Photochemical Oxidants in the State of Ohio" to the Administrator of the Environmental Protection Agency. The plan was adopted by the Ohio Air Pollution Control Board following public hearings held on January 18, 1972, in Columbus, Ohio. This plan was submitted pursuant to section 110 of the Clean Air Act which requires States to adopt implementation plans to achieve and maintain the national ambient air quality standards (40 CFR Part 50). On May 31, 1972 (36 FR 10842), the Administrator approved the Ohio plan with specific exceptions. Subsequently, amendments were submitted which permitted full approval of the plan. (37 FR 19806).

On June 28, 1973, the United States Court of Appeals for the Sixth Circuit decided the case of *Buckeye Power Company, et al. v. EPA*, 481 F.2d 162. The Court vacated the Administrator's approval of the Ohio plan and remanded the case to the Agency for compliance with section 553 of the Administrative Procedure Act, as articulated in the court's opinion, viz to take comments, data or other evidence from interested parties, and to express the basis for administrative actions. In accordance with the Court Order, the Administrator is hereby setting forth the Ohio Implementation Plan as a proposed rulemaking and is providing opportunity for public comment on whether the plan as proposed should be approved pursuant to section 110 of the Clean Air Act, as amended. The Administrator's decision to approve or disapprove the plan is based on whether the strategies meet the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51.

On August 27, 1973, the Governor of Ohio withdrew from the proposed Ohio plan the control strategy and regulations for control of sulfur oxides. Accordingly, the plan as of this date contains control strategies designed to achieve the national ambient air quality standards for particulate matter, carbon monoxide, hydrocarbons, nitrogen oxides and photochemical oxidants throughout the State of Ohio no later than mid-1975. It is anticipated that a new control strategy to achieve national standards for sulfur oxides will be submitted by the Governor of Ohio in the near future and at that time it also will be proposed for public comment. A more detailed description of the existing plan is set forth below.

The plan presents a control strategy to achieve national standards for particulate matter by implementation of Ohio regulations AP-3-01, Definitions; AP-3-06, Classification of Regions; AP-3-07, Control of Visible Air Contaminants from Stationary Sources; AP-3-08, Open Burning Prohibited; AP-3-09, Restriction of Emissions from Incinerators; AP-3-11, Restriction on Emission of Particulate Matter From Fuel Burning Equipment; and AP-3-12, Restriction of Emission of Particulate Matter From Industrial Processes.

The plan indicates that the Cleveland Air Quality Control Region was selected

as the example region for the strategy development on the particulate matter primary standard. The plan also indicates that 79 percent emission reduction is needed to achieve the standard and that 80 percent reduction will be obtained by implementation of the previously mentioned regulations.

The plan presents a control strategy to achieve the national standards for hydrocarbons and photochemical oxidants by implementation of Ohio regulations AP-5-01, Definitions; AP-5-06, Classification of Regions; AP-5-07, Control of Emission of Organic Materials from Stationary Sources.

The plan indicates that for the Cleveland and Columbus AQCR's 38 percent and 28 percent emission reductions are needed respectively to achieve the standard and that a 40 percent reduction will be obtained by implementation of the above regulations.

The plan presents a control strategy to achieve the national standards for carbon monoxide by implementation of Ohio regulations, AP-5-06, Classification of Regions and AP-5-08, Control of Carbon Monoxide Emissions From Stationary Sources. Expected emission reductions from affected stationary sources should be approximately 80 percent.

The plan presents a control strategy to achieve national standards for Nitrogen Dioxide by implementation of Ohio Regulations AP-7-05, Classification of Regions and AP-7-06, Control of Nitrogen Oxide Emissions from Stationary Sources. Expected emission reductions should be 5 percent or less.

Since the transportation control elements of the Ohio control strategy to achieve national standards for photochemical oxidants (hydrocarbons) have been submitted separately by the Governor and receipt for public comment has already been announced by the Administrator on August 15, 1973 (38 FR 22045), this notice of proposed rulemaking is limited to the control strategy as it pertains to stationary sources. Nevertheless, final approval of this particular strategy will be predicated on the adequacy of both stationary and mobile source controls (if any) to achieve the photochemical oxidant (hydrocarbon) standards.

All of the regulations comprising the control strategies are immediately effective. However, a variance procedure is presented in the plan (Ohio regulations AP-9-04, AP-9-05, and AP-9-06) which would permit existing sources to have until July 1, 1975, to comply with applicable regulations, except that sources in Priority II and III regions can have until July 1, 1978 to comply with an additional emission reduction curve for particulate matter. Similar variance procedures appear in revised Ohio Regulations EP-32-02, EP-32-03, EP-32-04, and EP-32-05.

The plan describes source surveillance procedures which will be used by the State Environmental Protection Agency, and the State's scheme for ambient air monitoring.

The plan provides in Ohio Regulation AP-9-02 for a procedure to prevent construction or modification of a source



which would interfere with the plan control strategies or with attainment or maintenance of the national standards.

The plan contains copies of the legal authority needed by local governmental units to carry out assigned roles and copies of agreements for interstate cooperation where interstate regions exist. It also provides rollback calculation to demonstrate non-interference with achievement of national standards in adjoining States.

The plan contains a description of resources available to carry out the plan, procedures to require self monitoring by a source in Ohio regulations AP-9-02 and AP-9-03, procedures to require submission of emission information in Ohio regulation AP-2-03, procedures to make emission data available to the public in Ohio regulation AP-9-08 and procedures to implement control plans in case of emergency episode situations in Ohio regulations AP-11-01, AP-11-02, AP-11-03, and AP-11-04.

Copies of Ohio's proposed implementation plan are available for public inspection during normal working hours at the Program Support Branch, Division of Air & Water Programs, EPA, Region V, One North Wacker Drive, Chicago, Illinois 60606 and at the following locations in the State of Ohio: (1) Cincinnati Division of Air Pollution Control, 2400 Beekman Street, Cincinnati, Ohio 45214; (2) Cleveland Division of Air Pollution Control, 2735 Broadway Avenue, Cleveland, Ohio 44115; (3) Akron Air Pollution Control Agency, 177 South Broadway, Akron, Ohio 44308; (4) Canton Air Pollution Control Division, City Hall, Canton, Ohio 44702; (5) Northeast District Office, Ohio Environmental Protection Agency, 2110 East Aurora Road, Twinsburg, Ohio 44087; (6) Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216; (7) Montgomery County Health Department Regional Air Pollution Control Agency, 451 West Third Street, Dayton, Ohio 45402; (8) Southwest District Office, Ohio Environmental Protection Agency, 40 South Main Street, Dayton, Ohio 45402; (9) Mansfield-Richland County Health Department, 600 West Third Street, Mansfield, Ohio 44906; (10) Marietta County Health Department, 304 Putnam Street, Marietta, Ohio 45750; (11) Southeast District Office, Ohio Environmental Protection Agency, RR #2, Box C-1, Nelsonville, Ohio 45764; (12) Allen County Health Department, 405 East Market Street, Lima, Ohio 45802; (13) Portsmouth City Health Department, 740 Second Street, Portsmouth, Ohio 45662; (14) Sandusky-Erie County Health Department, Municipal Building, East Meigs Street, Sandusky, Ohio 44870; (15) North Ohio Valley Air Authority, 308 Market Street, Steubenville, Ohio 43952; (16) Toledo Pollution Control Agency, 26 Main Street, Toledo, Ohio 43605; (17) Northwest District Office, Ohio Environmental Protection Agency, 111 West Washington Street, Bowling Green, Ohio 43402; (18) Ross County Health Department, Health Center-Uni-

versity East, 50 Pohlman Road, P.O. Box 465, Chillicothe, Ohio 45601; (19) Mahoning Trumbull Air Pollution Agency, Central Tower Building, Room 404, Youngstown, Ohio 44503; and (20) Muskingum County Health Department, 932 Maple Avenue, Zanesville, Ohio 43701.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region V, One North Wacker Drive, Chicago, Illinois 60606. All relevant comments received on or before December 17, 1973, will be considered. Receipt of comments will be acknowledged but substantive response to individual comments will not be provided. Comments received will be available during normal working hours at the Region V Office. All relevant matter presented shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

(Sec. 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).)

RUSSELL E. TRAIN,  
Administrator.

NOVEMBER 9, 1973.

[FR Doc.73-24371 Filed 11-14-73; 8:45 am]

#### [ 40 CFR Part 52 ] WASHINGTON

##### Approval and Promulgation of State Implementation Plans

On May 31, 1973 (37 FR 10842), pursuant to section 110 of the Clean Air Act, the Administrator approved, with specific exceptions, the Washington plan for implementation of the national ambient air quality standards. The Clean Air Act and EPA requirements for preparation, adoption and submittal of State Implementation Plans (40 CFR Part 51) provide for submittal of revisions to approved plans.

This notice is issued to advise the public that proposed implementation plan revisions for the State of Washington have been received by the Environmental Protection Agency and that comments may be submitted on whether these revisions should be approved or disapproved by the Administrator as required by Section 110 of the Clean Air Act. Comments received within 30 days of publication of this notice will be considered.

The Washington Clean Air Act, the basic legal authority for the State, has been amended by the State legislature. The Washington Department of Ecology subsequently adopted regulations to implement the provisions of the amended Act. These regulations amend regulations currently contained in the State of Washington Implementation Plan. The new legal authority and regulations have been submitted to EPA as revisions to that Implementation Plan.

The proposed revisions include amendments to Washington Administration Code (WAC) 18-12 regarding open burning restrictions and permit requirements, and amendments to WAC 18-16 regarding registration requirements for grass burning. Also included are amendments to WAC 18-04 regarding registration of stationary sources of air pollution and notice of construction requirements for new sources of air pollution, including major alterations in existing sources which may increase emissions or result in emissions of contaminants not previously emitted.

The submitted plan revisions also include miscellaneous amendments to the rules and regulations of local air pollution control agencies throughout the State. Some of these local agency rule amendments also implement the legislative amendments discussed above.

Copies of the revisions submitted are available for public inspection during normal working hours at the Environmental Protection Agency, Region X, Room 10B, 1200 Sixth Avenue, Seattle, Washington 98101, and at the State of Washington Department of Ecology, Olympia, Washington 98504. A copy is also available for public inspection at the Freedom of Information Center, EPA, Room 329, 401 M Street SW., Washington, D.C. 20460.

Information as to other locations in the State for review of these materials is available from the Regional EPA and Washington State offices referenced above.

Comments should be submitted to the Regional Administrator, Attention: B. Wiese, Environmental Protection Agency Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

(42 U.S.C. 1857c-5.)

Dated: November 9, 1973.

RUSSELL E. TRAIN,  
Administrator,  
Environmental Protection Agency.

[FR Doc.73-24372 Filed 11-14-73; 8:45 am]

#### ATOMIC ENERGY COMMISSION

##### [ 10 CFR Part 2 ]

##### LICENSING PROCEEDINGS

##### Proposed Treatment of Proprietary Information

The Atomic Energy Commission's rules pertaining to the routine disclosure of AEC records and documents in licensing proceedings provides, in general, that such documents, including correspondence to and from the AEC regarding the proceeding, will, with certain exceptions, be made available for inspection and copying in the AEC Public Document Room (10 CFR 2.790). One category of exceptions under this rule is proprietary data. A person who proposes that a document be withheld in whole or in part from public disclosure on the ground that it contains proprietary data is required, at the time of filing, to submit an application for withholding or to make timely application thereafter, making a



full statement of the reasons why it is claimed that the data is proprietary. In an amendment to § 2.790 that became effective in August 1972, it is the stated policy of the Commission, in deciding whether the data claimed to be proprietary is entitled to withholding, to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be full apprised as to the bases for and effects of proposed licensing actions.

Furthermore, the rules provide that withholding from public inspection does not affect the right of persons properly and directly concerned to inspect the document. The Commission may require data claimed to be proprietary to be subject to inspection by the presiding officer in a proceeding, and, under protective order, by parties to a proceeding, pending a decision of the Commission on the matter of whether the data should be withheld from public disclosure. In such cases, in camera sessions of hearings may be held when the data claimed to be proprietary is produced or offered in evidence. If the Commission subsequently determines that the data should be disclosed, the data and the transcript of such in camera session are made publicly available.

If a request for withholding proprietary information is denied, the Commission notifies the applicant for withholding of the denial with a statement of reasons. If, within the time specified in the notice, the applicant requests withdrawal of the document, the document is not placed in the Public Document Room.

Section 2.744 of Part 2 provides an additional procedure for the disclosure of documents such as proprietary information, not available pursuant to § 2.790, in an initial licensing proceeding.

Some persons have maintained that the withholding of proprietary data op-

erates to give insufficient public access to important information pertaining to safety aspects of the design and operation of nuclear facilities, and that where the Commission's decision to license such facilities is based on proprietary information, even in part, such information should be publicly available. Others, on the other hand, contend that protection of proprietary information provides an incentive for the conduct of the research and development necessary for continued development of new nuclear technology.

While the Commission's rules described above are consistent with the Freedom of Information Act, and were intended to strike an appropriate balance between sometimes conflicting public interest considerations, the Commission is considering whether further changes in its policy and rules pertaining to disclosure of proprietary information in the area of licensing and regulation should be made. The following alternatives are under consideration:

(1) Retention of the Commission's present rules pertaining to disclosure of proprietary information.

(2) Amendment of Commission rules to specify additional criteria for determining whether information should be treated as proprietary, e.g.: (a) The information is of a type customarily held in confidence by its originator; (b) there is a rational basis for customarily holding the information in confidence; (c) the information has in fact been held in confidence; (d) the information was transmitted to and received by the Commission in confidence; and (e) the information is not available in public sources.

(3) Amendment of Commission rules to provide that proprietary information may not be included in a license application, and that each such application must be sufficiently complete, without such information, to meet Commission

standards and requirements for the issuance of a license.

(4) Amendment of Commission rules to provide for treatment of proprietary information as presently provided in 10 CFR Part 2, but only for a specified period of time, after which the information would be made routinely available to the public.

(5) Amendment of Commission rules to limit further the kind of proprietary information that would be withheld from public disclosure, e.g., only that information whose disclosure would be demonstrably detrimental to the competitive position of the owner.

To aid the Commission in its consideration of possible changes in its policy and rules dealing with the treatment of proprietary information in the area of licensing and regulation, interested persons are invited to submit comments and suggestions with respect to the foregoing alternatives or other alternatives, together with any other suggestions concerning this matter, to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Staff, by December 31, 1973. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Md., this 14th day of November 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,

Secretary of the Commission.

[FR Doc.73-24543 Filed 11-14-73; 11:39 am]



# Notices

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

## DEPARTMENT OF STATE

### Agency for International Development ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

#### Notice of Meeting

NOVEMBER 8, 1973.

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting, November 26 and 27, 1973, of the Advisory Committee on Voluntary Foreign Aid to be held in the Faculty Center, University of California, at Los Angeles.

The meeting will be the third panel discussion for the purpose of obtaining responses to the Draft Report of the Advisory Committee on "The Role of Voluntary Agencies in International Assistance—A Look to the Future," and for the consideration of other matters related to the foreign assistance activities of voluntary agencies.

The session on November 26 will be from 9:30 a.m. to 4:30 p.m. On November 27 there will be a half day session, from 9:30 a.m. to 12:45 p.m.

These sessions will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee, and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Dr. Jarold A. Kieffer will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC 202-632-7924.

Dated: November 8, 1973.

HARRIETT S. CROWLEY,  
Acting Assistant Administrator  
for Population and Humanitarian Assistance.

[FR Doc.73-24421 Filed 11-14-73;8:45 am]

## DEPARTMENT OF DEFENSE

### Corps of Engineers

### WINTER NAVIGATION BOARD ON GREAT LAKES AND ST. LAWRENCE SEAWAY

#### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Winter Navigation Board at the Sheraton Metro Inn, Romulus, Michigan. The meeting times are 10:00 a.m. to 5:00 p.m. e.s.t. on November 19, 1973 and 8:00 a.m. to noon on November 20, 1973.

The Winter Navigation Board is a multiagency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes and St. Lawrence Seaway Navigation Season Extension Investigations being conducted pursuant to Pub. L. 91-611.

The primary purpose of the meeting is to discuss the Interim Survey Report for extending the navigation season on the four upper Great Lakes. The agenda will include discussion of the proposed plan of improvement, environmental plans, economic analysis and benefits, and proposed public meetings for the interim report. Other topics of discussion will be concerned with extended navigation season demonstration program activities.

The meeting will be open to the public subject to the following limitations:

1. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.
2. Written statements may be submitted prior to, or up to ten days following the meeting, but oral participation by the public is precluded because of the time schedule.

Inquiries may be addressed to Mr. Jim Beirs, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone 313-226-6770.

For the Adjutant General.

R. B. BELNAP,  
Special Advisor to TAG.

[FR Doc.73-24343 Filed 11-14-73;8:45 am]

## Department of the Navy

### NAVY RESALE SYSTEM ADVISORY COMMITTEE

#### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 (1972)), notice is hereby given that a closed meeting of the Navy Resale System Advisory Committee will be held at 9:00 a.m. on November 19, 1973, at the Naval Training Center, Orlando, Florida.

The agenda includes matters relating solely to internal personnel rules and practices of the Navy Resale System, and privileged or confidential financial information.

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

NOVEMBER 6, 1973.

[FR Doc.73-24342 Filed 11-14-73;8:45 am]

## DEPARTMENT OF JUSTICE

### ACTION TO ENJOIN DISCHARGE OF POLLUTANTS

#### Notice of Proposed Consent Judgment

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 25, 1973, a proposed consent decree in *United States v. Consolidation Coal Company* was lodged with the United States District Court for the Northern District of West Virginia. The proposed decree would abate acid mine drainage from Mountaineer No. 93 Mine into Pharaoh Run, a tributary of the Monongahela River, near Rivesville, Marion County, West Virginia.

The Department of Justice will receive written comments relating to the proposed judgment until December 17, 1973. Comments should be addressed to either the United States Attorney, P.O. Box 591, Wheeling, West Virginia 26003, or to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Consolidation Coal Company*, D.J. Ref. 90-5-1-1-286.

The proposed consent decree may be examined at the office of the United States Attorney, Room 243, Old Post Office Building, Wheeling, West Virginia, at the District Office of the Environmental Protection Agency, Methodist Building, Wheeling, West Virginia and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.30 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,  
Assistant Attorney General,  
Land and Natural Resources  
Division.

[FR Doc.73-24346 Filed 11-14-73;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### MALTA DISTRICT ADVISORY BOARD

#### Notice of Meeting

Notice is hereby given that the Malta District Advisory Board will hold a business meeting on January 10, 1974, at 9:30



a.m., m.s.t., at the Malta District Office, 501 South Second Street East, Malta, Montana. The agenda for the meeting will include election of board officers, grazing applications, range improvement projects, planning system progress, wild horse regulations, bentonite development, new allotment management plans, and recent changes in BLM policies, programs, and priorities.

The meeting will be open to the public insofar as seating is available. Time may be available for brief statements from members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is John W. Black, Hinsdale, Montana 59241. Written statements should be submitted to Mr. Black, c/o District Manager, Bureau of Land Management, 501 South Second Street East, Box B, Malta, Montana 59538.

A second meeting is scheduled on February 14, 1974 (same time and place), to consider protests from actions recommended and agenda topics not covered in the January 10, 1974, meeting.

DANTE SOLARI,  
District Manager.

[FR Doc.73-24340 Filed 11-14-73;8:45 am]

**Bureau of Land Management  
STATE DIRECTOR, ALASKA  
Delegation of Authority**

State Director, Alaska supplement to Bureau of Land Management Manual 1510.

Subject: Delegation of authority—Contracts and Leases.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2, and 38 FR No. 185, dated September 25, 1973, the Property and Supply Specialist, Branch of Property and Procurement, Fairbanks District Office, is authorized:

1. To enter into contracts with established sources for supplies and services, regardless of amount.

2. To enter into contracts on the open market for supplies and services, not to exceed \$2,500 per transaction (\$2,000 for construction), provided that the requirement is not available from established sources. Sec. 302(c)(3) of the FPAS Act);

3. To enter into contracts in an unlimited amount for necessary procurements in the case of emergency fire suppression work for the rental of equipment and aircraft and for the purchase of supplies and services required in such operations. (Section 302(c)(2) of the FPAS Act).

RICHARD H. LEDOSQUET,  
District Manager.

[FR Doc.73-24378 Filed 11-14-73;8:45 am]

**AREA MANAGER, CANON CITY,  
COLORADO**

**Redelegation of Authority**

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, the Area Manager administering the Northeast Resource Area of the Canon City District, Colorado is authorized to act on the following matters:

Within his area of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Canon City District Manager, he may exercise the functions of the Bureau Director on the matters specified below subject to the limitations of Bureau Order 701, Part III.

**AUTHORITY IN SPECIFIC MATTERS**

Sec. 3.3 *Fiscal affairs.* The Area Manager may take action on:

(d) Trespass: Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

Sec. 3.7 *Range management.* The Area Manager may take all action on:

(a) (1) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(b) Outside grazing districts, the issuance of grazing leases.

(d) Soil and moisture conservation; control of halogeton glomeratus.

Sec. 3.8 *Forest management.* The Area Manager may take all action on:

(a) Disposition of forest products including sales of timber not exceeding \$100.00 in value.

Sec. 3.9 *Land use.* The Area Manager may take all action on:

(g) Disposition of materials other than forest products, not exceeding \$100.00 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective on November 15, 1973.

Dated: November 8, 1973.

RICHARD D. McELDERRY,  
District Manager.

Approved:  
DALE R. ANDRUS,  
State Director.

[FR Doc.73-24377 Filed 11-14-73;8:45 am]

[Serial No. I-08122]

**IDAHO**

**Notice of Partial Termination of Proposed  
Withdrawal and Reservation of Lands**

NOVEMBER 7, 1973.

Notice of an application of the Bureau of Sport Fisheries and Wildlife, Serial No. I-08122, on behalf of the State of Idaho, Fish and Game Department, for withdrawal and reservation of lands, was published in FR Doc. 58-892 in the issue for February 6, 1958. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands will be, at 10:00 a.m. on December 15, 1973, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

**BOISE MERIDIAN, IDAHO**

T. 10 N., R. 13 E.,  
Sec. 10, Lot 7;  
Sec. 15, Lots 2, 3, and 7;  
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, Lot 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 7 N., R. 14 E.,  
Sec. 3, Lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 8 N., R. 14 E.,  
Sec. 5, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 9 N., R. 14 E.,  
Sec. 31, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 32, W $\frac{1}{2}$ SW $\frac{1}{4}$ .

The area described aggregates 756.82 acres in Custer County, Idaho.

The lands described above lie wholly within the Sawtooth National Recreation Area and are therefore subject to such laws and regulations applicable thereto.

VINCENT S. STROBEL,

Chief, Branch of L&M Operations.

[FR Doc.73-24381 Filed 11-14-73;8:45 am]

**ROCK SPRINGS DISTRICT ADVISORY  
BOARD**

**Notice of Meeting**

NOVEMBER 8, 1973.

Notice is hereby given that the Rock Springs District Advisory Board will meet at 9:30 a.m., December 5, 1973, at the Bureau of Land Management Office, Highway 187 North, Rock Springs, Wyoming. The agenda will include organization of the Board, consideration of applications for the 1974 grazing season and any other matters which may come before the Board.

The meeting will be open to the public as space is available. Interested parties will be permitted to appear before the Board or file a written statement for its consideration. Those wishing to appear before the Board must inform the Chairman in writing prior to the meeting.



Written statements and requests to appear before the Board should be submitted to John W. Hay, Jr., Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 1088, Rock Springs, Wyoming 82901.

NEIL F. MORCK,  
District Manager.

[FR Doc.73-24380 Filed 11-14-73;8:45 am]

#### National Park Service

#### CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

##### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, November 30, 1973. The Commission members will assemble at 10:00 a.m. at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts, for a field trip prior to the regular business meeting at the Headquarters Building at 1:00 p.m.

The Commission was established by Pub. L. 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Commission are as follows:

Mr. Joshua A. Nickerson (Chairman), Chatham, Mass.  
Mr. Nathan Malchman (Vice Chairman), Provincetown, Mass.  
Mr. Linnell E. Studley (Secretary), Orleans, Mass.  
Mr. Ralph A. Chase, Eastham, Mass.  
Mr. Arthur W. Brownell, Boston, Mass.  
Dr. Norton H. Nickerson, Reading, Mass.  
Mr. Stephen R. Perry, Truro, Mass.  
Mr. Chester A. Robinson, Jr., Harwich, Mass.  
Mr. David F. Ryder, Chatham, Mass.  
Mrs. Esther Wiles, Wellfleet, Mass.

The matters to be discussed at this meeting are: (1) The review of the proposed Development Concept Plan for the Atwood-Higgins Complex, (2) the review of the proposal from the Town of Truro for improvement of the town-operated Coast Guard Beach involving the use of Seashore property, and (3) the review of a proposed new contract for operation of the Highland Golf Course. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting will be open to the public. Transportation facilities will not be provided for the tour, but members of the public may participate in the tour by providing their own transportation. Any person may file with the Commission a written statement concerning the matters to be discussed.

Anyone wishing further information concerning this meeting or who wishes to file a written statement may contact Leslie P. Arnberger, Superintendent, Cape Cod National Seashore, South Wellfleet, Mass., at 617-349-3785. Minutes of

the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass.

Dated: November 7, 1973.

ROBERT M. LANDAU,  
Liaison Officer, Advisory Com-  
missions, National Park Ser-  
vice.

[FR Doc.73-24382 Filed 11-14-73;8:45 am]

#### Office of Petroleum Allocation

[ADVISORY NOTICE NO. 1]

#### FUEL NEEDS OF FARMERS

##### Interpretation of Mandatory Allocation Program

Numerous requests are being received concerning the fuel needs of farmers for harvesting. In many cases this year's harvest and other critical operations will occur in a different month from last year's. Some suppliers have misinterpreted the Mandatory Allocation Program for Middle Distillate Fuels and are refusing to adjust monthly allocations to meet this year's exception requirements. In this regard, Section 4(e) of the Program (EPO Reg. 1.38 FR 28660) applies: "Suppliers and purchasers may agree among themselves to either borrow on future allocations or defer current allocations within the level of the total allocation for the year (italics added), as long as such arrangements do not result in an involuntary reduction in allocations to other purchasers. Similarly, suppliers may borrow or swap products among themselves."

Dated: November 13, 1973.

ELI T. REICH,  
Administrator.

[FR Doc.73-24491 Filed 11-14-73;8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Cooperative State Research Service

##### COMMITTEE OF NINE

##### Notice of Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the Committee of Nine at 9 a.m. on November 27, 1973, in the Stewart Room of the Continental Hotel, Kansas City, Missouri.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States and to prepare recommendations for allocation of research funds. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Depart-

ment of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated: November 2, 1973.

R. L. LOVORN,  
Administrator, Cooperative State  
Research Service.

[FR Doc.73-24387 Filed 11-14-73;8:45 am]

#### Forest Service

#### JUNIPER SPRINGS UNIT PLAN

##### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for managing the Juniper Springs Unit, USDA-FS-DES (Adm) 74-37.

The environmental statement concerns the proposed 10-year management of the Juniper Springs Unit, Lake George Ranger District, Ocala National Forest, located in Marion and Lake Counties, Florida. The Unit contains 20,000 acres of National Forest land.

The Management Direction, shown in the appendix (Juniper Springs Unit Plan), is to manage the unit for interpretation of historical and natural attractions with emphasis on aesthetics in key areas and modified cultural practices in others.

Environmental impacts will be on soils, water quality, vegetation, wildlife, and forest aesthetics. The degree of impact varies depending on the nature of the activity proposed in each environmental area. The highest impact will be the visual effect of timber harvests, road and trail construction, and temporary site disturbances from improvements in the Juniper Springs Recreation area.

This draft environmental statement was filed with CEQ on November 8, 1973.

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

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.  
USDA, Forest Service, 1720 Peachtree Road, NW., Room 806, Atlanta, Ga. 30309.  
USDA, Forest Service, Forest Supervisor, P.O. Box 1050, Tallahassee, Fla. 32302.

A limited number of single copies are available upon request to Forest Supervisor, P.O. Box 1050, Tallahassee, Florida 32302.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

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

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law



or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Frank Finison, P.O. Box 1050, Tallahassee, Florida 32302. Comments must be received within 60 days after filing with CEQ in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,  
Deputy Chief,  
Forest Service.

NOVEMBER 9, 1973.

[FR Doc.73-24384 Filed 11-14-73; 8:45 am]

#### MULTIPLE USE PLAN ON THE DEER CREEKS PLANNING UNIT

##### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan on the Deer Creeks Planning Unit, Forest Service report number USDA-FS-DES (Adm) 74-36.

The environmental statement concerns a proposed implementation of a revised Multiple Use Plan for the Deer Creeks Planning Unit, Big Timber Ranger District, Gallatin National Forest in Sweet Grass County, Montana. Sixty-seven thousand eight hundred acres are affected, of which nine hundred eighty-two are in private ownership. This plan will provide the District Ranger with a detailed management prescription for the Unit.

This draft environmental statement was filed with CEQ on November 8, 1973.

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

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.

USDA, Forest Service, Gallatin National Forest, P.O. Box 130, Federal Building, Bozeman, Mont. 59715.

A limited number of single copies are available upon request to Forest Supervisor Lewis E. Hawkes, Gallatin National Forest, P.O. Box 130, Bozeman, Montana 59715.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and

enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Lewis E. Hawkes, Gallatin National Forest, P.O. Box 130, Bozeman, Montana 59715. Comments must be received by January 8, 1974, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,  
Deputy Chief,  
Forest Service.

NOVEMBER 9, 1973.

[FR Doc.73-24385 Filed 11-14-73; 8:45 am]

#### PROPOSED TIMBER MANAGEMENT PLAN APACHE NATIONAL FOREST

##### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a Proposed Timber Management Plan, Apache National Forest, USDA-FS-FES (Adm) 75-53.

The environmental statement considers probable environmental effects of the proposed timber management program.

The final environmental statement was filed with CEQ on November 8, 1973.

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

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 14th and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87102.

Apache National Forest, Federal Building, Springerville, Ariz. 85938.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, New Mexico 87102.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement above when ordering.

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

PHILIP L. THORNTON,  
Deputy Chief,  
Forest Service.

NOVEMBER 9, 1973.

[FR Doc.73-24386 Filed 11-14-73; 8:45 am]

#### Forest Service

#### TONTO NATIONAL FOREST GRAZING ADVISORY BOARD

##### Notice of Meeting

The Tonto National Forest Grazing Advisory Board will meet January 3, 1974, at 10:00 a.m. at the Office of the Supervisor, Tonto National Forest, 102 S. 28th Street, Phoenix, Arizona.

The purpose of this meeting is annual Board meeting; election of officers; discussion of current grazing problems on the Tonto National Forest; review of Rm Land Use Plan; status of Wild-Free Roaming Horse and Burro plans, and items of general interest.

The meeting will be open to the public. Persons who wish to attend should notify Fred J. Wirth, Supervisor Tonto National Forest, 102 S. 28th Street, Phoenix, Arizona, 85034, Telephone No. 261-3205. Written statements may be filed with the committee before or after the meeting.

No specific rules have been established for public participation. Comments from the public are welcome at anytime during the meeting.

FRED J. WIRTH,  
Forest Supervisor.

NOVEMBER 8, 1973.

[FR Doc.73-24337 Filed 11-14-73; 8:45 am]

#### Office of the Secretary

#### MILWAUKEE GRAIN EXCHANGE

##### Order Vacating Designation as a Contract Market Under the Commodity Exchange Act

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designation of the Milwaukee Grain Exchange of Milwaukee, Wisconsin, as a contract market for grains effective January 25, 1974. The said exchange, which was designated as a contract market for grains on October 24, 1922, has requested that such designation be vacated.

Issued this 12th day of November 1973.

CLAYTON YEUTTER,  
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.73-24406 Filed 11-14-73; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### Office of the Secretary

[Dept. Organization Order 20-3]

#### OFFICE OF BUDGET AND PROGRAM ANALYSIS

##### Functions and Organization

This order effective October 31, 1973, supersedes the material appearing at 34 FR 19828 of December 18, 1969.

SECTION 1. Purpose. .01 This order prescribes the functions and organization of the Office of Budget and Program Analysis.

.02 This revision reflects a new organizational structure and assignment of functions within the Office.



**Sec. 2. Status and line of authority.** The Office of Budget and Program Analysis (OBPA), a Departmental office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence, and also serve as the Executive Secretary of the Department of Commerce Budget Committee.

**Sec. 3. Functions.** Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall:

a. Have Department-wide staff responsibility for all matters relating to budget formulation and execution, analysis and reporting of fiscal and program status, and the Department's Management by Objective system as it relates to the budget formulation and execution.

b. Establish and maintain close working relationship with the Office of Management and Budget (OMB), the Appropriations Committees of the Congress, and other Government agencies as appropriate.

**Sec. 4. Specified authority.** In addition to the authority implicit in and essential to carrying out the functions assigned to the Office and related to the exercise of such functions, the Director, Office of Budget and Program Analysis:

a. Is delegated the authority vested in the Assistant Secretary for Administration pertaining to budget planning and management, analysis and reporting of fiscal and program status, subject to applicable provisions of law, regulation, and instructions of the Assistant Secretary;

b. Is authorized to integrate Management by Objective elements with the budget process; and

c. As the Departmental Budget Officer, shall be the adviser to, and representative of the Assistant Secretary for Administration and of the Department, on all budgetary matters set forth in section 3 of this order.

**Sec. 5. Organization.** Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The "Budget Coordination and Reports Staff." This staff shall:

a. Establish standards, criteria and procedures for preparing budget estimates and justifications, including the maintenance of the Budget and Program Analysis Handbook;

b. Coordinate budget programs and activities that require consolidated action by the Department;

c. Interpret OMB directives on budget matters;

d. Coordinate the preparation of budget estimates;

e. Maintain information on the status of Congressional actions on the Department's budget;

f. Prepare budget summaries and analyses;

g. Maintain the Department's budget history;

h. Maintain liaison with OMB staff and with staffs of Appropriations Committees on budget matters as necessary to carry out the Staff's responsibilities;

i. Establish reporting requirements from operating units on fiscal plans and status, budget execution, and program accomplishments; and analyze, consolidate or otherwise treat the reports as will best meet the needs of the Secretary and Secretarial Officers, incorporating material furnished by the Program Staffs; and

j. Prepare special reports or briefings for the Secretary and Secretarial Officers on significant fiscal, budget and program execution problems, incorporating material furnished by the Program Staffs.

.02 The Business and Economics Staff and the Science and Environment Program Staff for their respective areas of responsibility, as appended hereto, shall:

a. Examine and analyze all budget proposals in terms of effective allocation of Departmental resources, conformance to policies, adequacy of justification and appropriation language, existence of statutory authorization, feasibility and economy of operations, accuracy and consistency of schedules, and for conformity with instructions governing submission of budget estimates;

b. Participate in the identification of major issues and problems to be covered by program memoranda and special analytical studies;

c. Monitor, advise and assist operating units in the development and operation of systems for integrating the results of planning and programming with budgeting, including development of criteria for and review of program memoranda and special analytical studies for completeness, timeliness, adequacy, development of alternatives, and factual content;

d. Review and analyze Presidential and Secretarial objectives, including financial and performance data included in Project Statement reports;

e. Review and evaluate the Department's program structure and recommend modifications as necessary;

f. Participate in the review of legislative proposals affecting the Department's plans and programs;

g. Examine and clear apportionment requests;

h. Provide technical assistance to operating units on budget matters;

i. Analyze fiscal and program plans and reprogramming proposals for conformance to Departmental policies and commitments, and maintain a continuous review of the status of obligations, expenditures and program progress;

j. Evaluate budgeting policies and programs and make recommendations to appropriate officials for improvements; and

k. Provide continuous liaison and be the point of contact between officials in assigned program areas and appropriate staff of the Office of the Secretary and OMB on budget matters.

**Sec. 6. Department of Commerce Budget Committee.** The Department of Commerce Budget Committee shall consist of the Director as Chairman, and the budget officers and the officers responsible for program analysis in each primary operating unit. The Committee will meet on call from the Chairman for the purpose of advising and assisting in the development of budget policies and programs, and systems of integration of the results of Management by Objective, planning and programming with budgeting throughout the Department.

Effective date: October 31, 1973.

HENRY B. TURNER,

Assistant Secretary for Administration.

#### APPENDIX A

AREAS OF RESPONSIBILITY FOR THE BUSINESS AND ECONOMICS PROGRAM STAFF AND THE SCIENCE AND ENVIRONMENT PROGRAMS STAFF, OBPA

#### Business and Economics Programs Staff

Office of the Secretary.  
Social and Economic Statistics Administration.  
Economic Development Administration.  
Regional Action Planning Commissions.  
Domestic and International Business Administration.  
Office of Foreign Direct Investments.  
Office of Minority Business Enterprise.  
U.S. Travel Service.  
Maritime Administration.

#### Science and Environment Programs Staff

National Oceanic and Atmospheric Administration.  
National Bureau of Standards.  
Patent Office.  
Office of Telecommunications.  
National Technical Information Service.

[FR Doc. 73-24404 Filed 11-14-73; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Center for Disease Control

### OCCUPATIONAL SAFETY AND HEALTH

#### Request for Information on Chemical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)), provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. The Institute is currently collecting information and data on Sulfur Dioxide and Sulfuric Acid.

The information and data collected for each agent will be analyzed and evaluated relative to the nine areas listed below.



1. Establishment of safe occupational environmental levels for such agents, including levels for acute and chronic exposure to airborne concentrations of the chemical substances, as well as safe practices concerning direct contact with such substances.

2. Establishment of biologic standards; i.e., the levels of such substances, metabolites, or other effects of exposure which may be present within man without his suffering ill effects, taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biologic systems of man, such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used, and the rationale for their selection.

7. Work practices for procedures which may be instituted for control of the workplace environment in normal operations, and those which may be instituted when environmental levels are temporarily exceeded, or where peak concentrations of chemical substances in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by exposure to such agents.

Any person having information or data which are not readily available in "open scientific literature" in any of the nine areas listed, or in other areas which the person considers relevant to the establishment of a safe and healthful occupational environment involving the substances set forth above, is invited to submit two (2) copies of such information, with accompanying documentation, to the Assistant Institute Director for Research and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Maryland 20852, on or before January 14, 1973.

All information received concerning any agent will be available for public inspection after the development of the re-

spective recommended standard, research analysis report or criteria document.

Dated: November 6, 1973.

MARCUS M. KEY,  
Director, National Institute for  
Occupational Safety and Health.

[FR Doc. 73-24352 Filed 11-14-73; 8:45 am]

#### Health Resources Administration NATIONAL ADVISORY HEALTH SERVICES COUNCIL

##### Announcement of Meetings; Cancellation

In FEDERAL REGISTER Document 73-22910 appearing at page 29630 in the issue for Friday, October 26, 1973, the meeting of the "National Advisory Health Services Council" has been cancelled.

Dated: November 9, 1973.

HAROLD MARGULIES,  
Acting Administrator,  
Health Resources Administration.

[FR Doc. 73-24312 Filed 11-14-73; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing  
Production and Mortgage Credit—Federal  
Housing Commissioner (Federal  
Housing Administration)

[Docket No. N-73-208]

##### Statement of Policy

#### HOUSING ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING LOW INCOME HOUSING NOT REQUIRING SUBSTANTIAL REHABILITATION

The Department is publishing herewith a statement of policy regarding housing assistance payments under section 23 of the U.S. Housing Act of 1937, 42 U.S.C. 1421b. These policies and procedures apply to such payments made on behalf of eligible low income families occupying privately owned existing rental housing that does not require substantial rehabilitation. This statement sets forth, among other things, the roles and responsibilities of the Department, the local housing authority and the owner; the steps in processing Applications for Section 23 Housing Assistance Program (HUD Form —); the basis for determining the amount of subsidies; and the substance and format of contracts, leases and other documents.

While this statement expresses the Department's current policies and practices regarding assistance payments with respect to such existing housing, HUD is considering revisions of its policies for all Section 23 programs. The Department has recently published policies for the newly-constructed housing program, and intends to publish in the near future a Notice of Proposed Rulemaking that will incorporate the procedures applicable to new construction and existing housing

with and without substantial rehabilitation. Public comment on these procedures will be invited before the Department promulgates its final regulations for these programs.

#### CHAPTER 1. APPLICABILITY, SCOPE, AND BASIC POLICIES

##### 1-1. APPLICABILITY AND SCOPE

The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of eligible low-income families occupying privately owned existing, decent, safe, and sanitary housing pursuant to the provisions of Section 23 of the U.S. Housing Act of 1937. "Existing housing" means housing whose original construction was completed prior to the execution of an agreement between a Local Housing Authority (LHA) and an owner for the subsequent leasing or the making of housing assistance payments for occupancy by eligible low-income families. This Handbook does not cover existing housing requiring substantial rehabilitation which is to be done pursuant to an agreement between the LHA and an owner for subsequent occupancy by eligible low-income families. See "Section 23 Substantial Rehabilitation Program Handbook" for policies and procedures relating to such housing.

The policies and procedures contained herein shall apply to all leased existing projects placed under Annual Contributions Contract after the effective date of this Handbook. Projects previously under Annual Contributions Contracts shall be converted as quickly as feasible to operation under the policies and procedures contained herein.

This Handbook covers policies and procedures relating to the following: The roles and responsibilities of HUD, the LHA, and the owner; the application and leasing processes; contracts, leases, and other documents; and HUD processing procedures.

##### 1-2. DEFINITIONS

a. *Decent, Safe, and Sanitary Housing.* For the purposes of this program, housing is considered to be decent, safe, and sanitary if a Certificate of Occupancy or other certification has been issued by the authorized governmental official as to compliance with all applicable codes and ordinances, and if the following minimum standards are met:

(1) The housing has been determined by the LHA to be decent, safe, and sanitary within the meaning of the U.S. Housing Act based upon all pertinent factors, including, but not limited to, the following:

(a) The condition of the exterior and interior of the structure and the housing unit;

(b) Adequacy and operating condition of sanitary facilities, which must be private; and adequacy of solid and liquid waste disposal facilities;



(c) Adequacy and operating condition of kitchen facilities, which must (i) contain a range and refrigerator (except in localities where it is normal practice that tenants provide these items), a sink, space for storage of food and for storage of utensils and dishes, and (ii) be private except where authorized as congregate housing meeting the requirements for such housing contained in Handbook HPMC-FHA 7410.8;

(d) Adequacy and operating condition of heating, lighting and ventilating equipment and/or facilities;

(e) Size, number of rooms, and furnishings to accommodate adequately the size and type of family to be housed.

(2) The owner shall provide either a certification from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or a certification by the owner that those surfaces have been adequately treated or covered, all in accordance with the applicable HUD regulations issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 USC 4801.

(3) The site shall be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank backups, sewage hazards, or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; rodent or vermin infestation; or dangerous fire hazards. Moreover, the neighborhood must be free of characteristics seriously detrimental to family life, and substandard dwellings or other undesirable elements should not predominate unless there is actively in progress a concerted program intended to upgrade the neighborhood.

b. *Fair Market Rent and Gross Rent.* Fair market rent is the gross rent (including utilities, ranges and refrigerators, and all maintenance and management services) for dwelling units of varying size (number of bedrooms), which, as determined at least annually by HUD, would be required to be paid in each housing market area in order to obtain privately owned, existing, decent, safe, and sanitary housing of modest (non-luxury) nature. Gross rent includes all utilities (except telephone) whether or not paid directly to the utility company by the family.

c. *Lease.* A written agreement between a private owner and an eligible family, approved by the LHA, for the leasing of an existing, decent, safe, and sanitary dwelling unit, containing the required provisions specified in the Certificate of Eligibility (See Appendix V).

d. *Eligible Families.* Those families determined by the LHA to meet the requirements for admission into, and continued occupancy of, housing assisted hereunder.

### 1-3. BASIC POLICIES

a. *"Finders-Keepers" Policy.* Eligible families shall be responsible for finding decent, safe, and sanitary units on the private market so as to maximize choice. LHA's may provide assistance in finding

units to those families who, for age, handicap or other reasons, are unable to locate their own units. An LHA may provide housing assistance payments to eligible families already leasing decent, safe, and sanitary housing. If repairs, improvements, or minor rehabilitation are required to put a unit into decent, safe, and sanitary condition, the owner shall have such work performed prior to the unit's acceptance by the LHA for leasing by an eligible family. (For procedures relating to LHA assistance for units to be substantially rehabilitated pursuant to an agreement between the LHA and the owner, see "Section 23 Substantial Rehabilitation Program Handbook".)

b. *Housing Assistance Payments.* The housing assistance payments will pay the owner the difference between the rent charged by the owner and that portion of said rent payable by the family. However, housing assistance payments shall be paid to owners only for those units occupied by eligible families. Families shall not be eligible for such Federal financial assistance when the LHA determines that 25 percent of adjusted family income equals or exceeds the gross rent for the unit occupied.

c. *Annual Contributions.* The maximum annual contribution that may be contracted for in the Annual Contributions Contract, by unit size (number of bedrooms), shall be (1) the sum of the fair market rent and the estimated LHA administrative expense minus (2) the estimated average family contribution (i.e., the portion of gross rent payable by the family as determined by the LHA, not to exceed 25 percent of adjusted family income). The estimated average family contribution shall be based upon a realistic estimate of the incomes of the families expected to be in occupancy.

d. *Eligible Agencies.* All legally constituted LHAs created pursuant to State housing authorities laws are eligible to participate in this program. In addition, under the terms of the U.S. Housing Act, a public housing agency may include any State, county, municipality or other governmental entity or public body which is authorized by State law to engage in the development or administration of low-income housing or slum clearance and therefore may also be eligible to participate in this Section 23 program. The abbreviations "LHA" or "LHAs" as used herein include any governmental entity or public body as described in this paragraph. Moreover, LHAs may, by agreement, cooperate with each other in carrying out their respective functions, and State laws typically provide that a locality which has no LHA can invite another LHA within the State to function within its borders. In addition to the few States that have created statewide LHAs, many more have State departments or agencies authorized to administer housing and urban development legislation which clearly qualifies them as public housing agencies under the U.S. Housing Act and authorizes them to carry out this function or to act through LHAs or other qualified entities.

e. *Local Governing Body Approval.* HUD cannot approve an Application for a Section 23 program unless the governing body of the locality in which the units are to be assisted has, by resolution, approved the application of the provisions of Section 23 to such locality. Form HUD 53051, dated December, 1971, is suggested for such resolutions. Once such a resolution has been enacted, it may satisfy this approval requirement for all subsequent Section 23 projects. The terms of the resolution as enacted must be examined by the LHA and HUD to determine whether it contains any restrictive language (e.g., limits the number of dwelling units) which would require a new resolution for the proposed program or subsequent Section 23 programs.

f. *Nature of Housing.* Any type of existing housing which is in or may be put into decent, safe, and sanitary condition may be utilized. Such housing may include detached or semi-detached dwellings, row-houses, mobile homes (which, however, may not be used for families with children without prior HUD approval), units in walk-up apartment buildings, or a combination of such housing types. Units in high-rise elevator buildings may not be used for families with children unless HUD determines that there is no practical alternative. Congregate or single-room occupancy (SRO) housing may be used for occupancy by elderly, handicapped, or displaced families and individuals. (See the Low-Rent Housing Preconstruction Handbook, HPMC-FHA 7410.8, for guidelines and standards applicable to congregate and SRO housing.) HUD, Farmers Home Administration, and VA acquired properties may be used in the program provided that the rents to be charged are within the fair market rents established by HUD. Existing FHA insured, FmHA insured or direct loan, and VA guaranteed properties may also be utilized; however, the aggregate number of units in any section 221(d)(3) below market interest rate (BMIR), Section 203, or section 236 project that can be made available to families assisted through the rent supplement and/or Section 23 programs will generally be limited to 40 percent of the total unless written approval of HUD is obtained covering specific projects on an exception basis which involve: (1) The need to provide housing to persons displaced by urban renewal or other governmental action, or by natural events such as fire or flood, or (ii) vacancies of extended duration which are needed for immediate occupancy by the local authority. The housing assistance payment shall be the amount by which the rent paid by the eligible family is less than the basic or fully subsidized rent for the unit involved. In no event may a dwelling unit or the occupants thereof receive both rent supplement and Section 23 housing assistance.

g. *Limitation on Number of Units in Single Structure.*

(1) Section 23(c) of the U.S. Housing Act provides that no more than 10 percent of the units in any single structure shall be assisted unless the LHA, because



of the limited number of units in the structure or for any other reason, determines that such limit should not be applied. Where the LHA determines that the 10 percent limitation should not be applied, a record of its determination shall be maintained in the LHA's permanent file, and the LHA shall notify HUD of its action.

(2) It should be noted, however, that in approving applications for housing assistance programs involving multifamily (five or more units) structures, HUD will give priority to those applications which would provide for assistance for 20 percent or less of the units in a single multifamily structure or complex.

h. *Relocation Requirements.* No LHA shall approve a lease for any unit which is occupied unless the occupant will continue to reside in the same unit under the LHA's Section 23 existing housing program. In other cases the provisions contained in Appendix I shall apply.

i. *Availability of Funds for Security and Utility Deposits.* Families may be required to provide security deposits to landlords, and in some instances, to utility companies. In hardship cases where families are unable to obtain funds from community agencies or other sources for payment of security deposits to landlords or utility companies (except telephone), the LHA may pay the owner and/or utility companies the funds necessary, not to exceed one month's rent plus utility deposits (excluding telephone). This amount shall be recovered by the LHA from the family over a one-year period.

j. *Responsibilities of the Owner.* The owner shall be responsible for the complete and total management, maintenance and operation of the dwelling unit. These responsibilities shall include, but not be limited to, the payment of utilities (unless paid directly by the family), insurance and taxes; performance of all ordinary and extraordinary maintenance; performance of all management functions including the taking of applications and selection of families (with the exception of determination and verification of eligibility for the particular dwelling unit involved, which shall be the function of the LHA); collection of rents; risk of loss from vacancies and nonpayment of rent by families; and preparation and furnishing of information required by the LHA.

k. *Responsibilities of the LHA.* The LHA shall be responsible for review of applications submitted by families to determine eligibility for assistance; determination of amounts of housing assistance payments; issuance of Certificates of Eligibility to eligible families; inspection and approval of dwelling units to be leased; execution of Housing Assistance Payments Contracts and approval of owner-family leases; making housing assistance payments on behalf of eligible families; reexamination of family eligibility as prescribed by HUD regulations; provision of social and counseling services (unless these functions are to be assumed by the owner); inspection at least

annually to determine that the units are maintained in decent, safe, and sanitary condition (failure to do so shall constitute a Substantial Default by the LHA under the Annual Contributions Contract); and authorization of eviction.

1. *Responsibilities of the Family.* A family receiving housing assistance payments under this program shall be responsible for fulfilling all its obligations under both its lease with the owner and the Certificate of Eligibility issued to it by the LHA.

#### 1-4 SEPARATE PROJECT REQUIREMENTS

All of the units administered by an LHA for housing assistance payments for existing housing without substantial rehabilitation shall constitute a single project and be assigned a separate project number. However, separate Annual Contributions Contracts are not required for each project; rather, consolidated Annual Contributions Contracts may be used but the LHA shall be required to operate each project as separate and distinct from other projects by amending the Consolidated Annual Contributions Contract to include the following provisions for each project:

"Notwithstanding the other provisions of this Contract (1) the books of account and records of the Local Authority shall be maintained in such a manner as will at all times show the Operating Receipts, Operating Expenditures, Reserves, and Residual Receipts for Project No. ---- as separate and distinct from all other Projects under this Contract, and (2) the Reserves and Residual Receipts for this Project shall not be used to pay Operating Expenditures of any other Project under this Contract nor shall the Reserves and Residual Receipts of such other Projects be used to pay Operating Expenditures of this Project."

#### CHAPTER 2. PROJECT DEVELOPMENT

##### 2-1. PREAPPLICATION

The LHA shall determine whether there is a need for housing assistance for low-income families within its operating jurisdiction. Upon making such determination, the LHA shall survey the market of rental housing to determine whether there is a sufficient supply of units suitable for use in this program to meet all or part of this need. In determining the adequacy of the housing supply, the LHA shall estimate realistically the number of units that may be available, the condition of such units, and the rents at which such units may be leased.

##### 2-2. LHA SUBMISSION OF APPLICATION

a. *Application Form.* An application for a section 23 existing housing program to be submitted by the LHA to the HUD Area Office shall be in a form prescribed by HUD (see Appendix II for application form) and shall:

(1) Describe the results of the LHA's survey of the housing market in terms of the number, size (number of bedrooms), condition, structure type, and rents of units which may be available;

(2) Document the need for housing assistance in terms of family incomes, housing conditions, and rental payments as proportion of income;

(3) Indicate the number of units, by unit size (number of bedrooms), which are to be leased by eligible families, including a separate indication of the number of units to be leased by elderly families;

(4) Include an estimate of LHA administrative expenses to be attributed to the proposed program, including proposed staffing and related salaries, and provide a basis for all estimated expenses;

(5) Provide an estimate of the average amount (including utilities) expected to be paid by families (not to exceed 25 percent of estimated adjusted family incomes);

(6) Indicate whether the LHA intends to provide assistance for 20 percent or less of the units in a multifamily structure or complex (see paragraph 1-3g(2)).

FHA Form 3166, Project Selection Criteria Questionnaire, is not required to be submitted. (See paragraph 1-2a(3) for required site and neighborhood standards.)

Advice and assistance in the preparation of the application are available from the local HUD Area Office.

b. *Income Limits and Rent Schedules.* LHAs not having previously approved income limits and rent schedules must submit income limits and rent schedules, in accordance with RHA 7465.1, paragraph 3, for approval with their applications. Income limits for this program may be established so as to allow admission of all families who cannot afford decent, safe, and sanitary dwellings in the locality without subsidy.

LHAs already operating low-rent housing may wish to consider establishing income limits for this program higher than their present income limits. Higher income limits are possible for the section 23 program because it is not subject to the usual U.S. Housing Act requirement that there be a gap of at least 20 percent between the upper rental limits for admission to low-rent public housing and the lowest rents at which private enterprise unaided by public subsidy is providing a substantial supply of decent, safe, and sanitary housing.

It should be emphasized that it is the income from families to be housed, not necessarily the income limits, that is more significant in enabling HUD to determine assistance requirements and program feasibility. It is essential, therefore, that the LHA make accurate estimates of anticipated family income and the amount (including utilities) to be paid from the incomes of families expected to be assisted. In making these estimates, the LHA should utilize such information as incomes, after deductions and exemptions, of families on waiting lists and rents being paid by tenants in other leased and non-leased units operated by the LHA, as well as incomes of families expected to be housed under



the income limits established for this program.

#### 2-3. HUD REVIEW AND APPROVAL OF APPLICATION

a. *Review of Application.* The HUD Area Office shall review the application, in accordance with procedures outlined in Chapter 3 of this Handbook, to determine that: there is need for assistance for the number of units applied for; the estimate of administrative expense is realistic; and the reasonably anticipated average monthly family contribution toward gross rent will be no less than 20 percent of the average monthly fair market rent for the units applied for. If deemed appropriate, HUD shall make any adjustments in size of program, bedroom distribution, administrative expenses, or family contribution. Such adjustments shall be accepted by the LHA in order to receive application approval.

In determining whether or not to approve an application, HUD shall establish priorities on the basis of paragraph 1-3g(2).

b. *Approval or Disapproval of Application.* Upon completion of its review, HUD shall notify the LHA by letter that its application is approved, can be approved if the LHA agrees to the changes recommended by HUD, or is disapproved. If the application is disapproved, the letter shall indicate in detail the reasons for disapproval.

If the application is approved, the letter shall authorize the LHA to execute the Annual Contributions Contract transmitted with the letter. The letter shall also contain the HUD-established fair market rents, by unit size, for the appropriate housing market area. The LHA shall be advised that these rents represent the maximum gross rents that can be approved for the project. The LHA shall also be advised that if all or part of the cost for utilities is to be assumed by the family, the rent to owner shall not exceed the fair market rent less an allowance for family-paid utilities (excluding telephone). The letter shall also contain a leasing schedule in accordance with paragraph 2-4b below.

#### 2-4. ANNUAL CONTRIBUTIONS CONTRACT

a. *Approval and Term of ACC.* Following Area Office approval of an application, an Annual Contributions Contract shall be prepared and processed, in accordance with the instructions contained in Chapter 3, paragraph 3-5 of this Handbook, and be transmitted by the Area Office to the LHA for execution and return to the Area Office with appropriate documents. The Annual Contributions Contract will limit the per unit gross rents to the fair market rents for existing housing for the housing market area, as established by HUD, and contain the special provisions provided in Appendix IV. The annual contributions period shall be for ten years as provided in Appendix IV. A longer period may be permitted where it is determined by HUD that housing market conditions or other factors justify or dictate a longer period.

b. *Expeditions Leasing.* The Annual Contributions Contract shall include a provision relating to expeditious leasing of units under the program. HUD will provide, in its transmittal of the Annual Contributions Contract to the LHA, target dates by calendar quarter endings, which will specify the number of units that are expected to be occupied during each quarter. These target dates will be established so as to implement HUD policy that all units in a Section 23 existing program of 100 units or more must be occupied by eligible families within 12 months after execution of the Annual Contributions Contract. In the case of smaller programs, a shorter time period may be established by HUD. Failure to adhere to this schedule will be considered a prima facie basis for reduction by HUD of the number of units and amount of HUD's annual contributions commitment.

#### 2-5. REIMBURSEMENT FOR PRELIMINARY EXPENSES

Although Section 23(e) of the U.S. Housing Act specifically authorizes reimbursement for reasonable and necessary expenses incurred by the LHA in conducting surveys, listings and inspections, no source of direct financial assistance is available from HUD for the payment of LHA expenses prior to the execution of an Annual Contributions Contract. However, the LHA may be reimbursed for such expenses by including in its first Operating Budget, which is to be submitted when the Annual Contributions Contract is executed, a list of any expenses which were incurred prior to the execution of the Contract and which the LHA proposes to charge to the program. The Area Office may approve reimbursement only for reasonable, necessary, direct preliminary costs, such as those involved in conducting surveys and preparing the Application. Indirect costs (e.g., LHA overhead expenses) may not be included in the first Operating Budget unless the program for which the expenses were incurred is the only low-rent public housing program administered by the LHA.

#### 2-6. LEASING FROM OWNERS

a. *Public Notice to Low-Income Families.* After receiving HUD approval of its application, the LHA shall make known to the public the availability of housing assistance for low-income families and shall invite such families to apply for Certificates of Eligibility. Families who are already on public housing waiting lists shall be notified that they must apply specifically for assistance under this program, if they wish to be considered for it. Any such family who applies for this program shall not lose its place on the public housing waiting list until it has been housed.

b. *Public Notice to Owners: Listing of Units.* The LHA shall invite private owners to make dwelling units available for occupancy by eligible families. The LHA should (1) develop working relationships with local landlords and real estate broker associations, (2) publicize the

program in such ways as to reach a maximum number of landlords and real estate brokers, (3) establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families, and (4) explain fully the provisions of the program, including provisions for equal opportunity and against discrimination, to real estate and landlord and other groups whose members may be dealing with eligible families. Owners interested in making their units available for use by low-income families should notify the LHA which shall establish and maintain a listing of such units, accompanied by appropriate information relating to rent, type of unit (single family housing, apartment, etc.), number of bedrooms, location, etc. Such list shall be posted or otherwise made available for use by eligible families: *Provided*, That the list is open to any private owner who wishes his rental units to be included; the list is publicly posted; notice of the existence of the list and the manner in which units may be included on it is publicized by the LHA; the list is used by the LHA in such a way as to ensure that eligible families are not directed or encouraged to rent from any individual; and the list contains a statement that eligible families are free to choose housing units not listed.

c. *Determination of Family Eligibility.* In general, low-income families should contact the LHA concerning participation in the program. If an owner is the initial point of contact, he shall refer the family to the LHA for determination of eligibility. However, regardless of whether the initial point of contact is with the owner or the LHA, the LHA shall be solely responsible for determining eligibility.

#### d. Certificate of Eligibility.

(1) If the applicant is determined to be eligible, he shall be given a Certificate of Eligibility which shall conform to the prescribed form attached hereto as Appendix V and which shall be signed by the applicant and executed by the LHA. Such Certificate will provide that the LHA will pay on behalf of the family the difference between the family contribution toward gross rent (including the cost of utilities whether or not paid to the owner), not to exceed 25 percent of adjusted family income, and the gross rent for the unit involved, which shall not exceed the HUD established fair market rent.

(2) Such certificate shall expire within 45 days unless the eligible family notifies the LHA of the unit it wishes to lease within that time period and submits the Owner's Offer to Lease on the prescribed form attached as Appendix VII. Expiration of the Certificate does not preclude the LHA from extending the Certificate upon submission by the family of the Certificate.

(3) The LHA shall be responsible for maintaining a system to assure that it will be able to honor all outstanding Certificates of Eligibility within its ACC authorization. The LHA shall either (1) make certain that at no time does it have



outstanding more Certificates than the number of units authorized under its Annual Contributions Contract, or (ii) include in the Certificate of Eligibility the following:

It is the LHA's best judgment that it will have funds available to honor this Certificate when the Family locates an acceptable unit. However, honoring of this Certificate by the LHA is subject to the availability of funds to the LHA at that time.

**e. Finding of Units.** Holders of Certificates of Eligibility shall be responsible for finding suitable units. The LHA may, however, undertake to find suitable units for families requiring special assistance, such as the elderly or handicapped.

**f. Inspection of Units.** Before approving a lease the LHA must inspect the unit, or cause it to be inspected by the appropriate authorized government official, for compliance with all applicable codes and ordinances. In addition, the unit shall be inspected to determine that the minimum standards set forth in paragraph 1-2a are met.

If repairs, improvements, or minor rehabilitation are needed to make a unit decent, safe, and sanitary, the owner shall be advised by the LHA of the work required to be done before the unit will be approved by the LHA for leasing by an eligible family.

In order to ensure that housing under lease remains in decent, safe and sanitary condition for the duration of the lease, the LHA shall make periodic inspections, not less than annually, to ascertain that the owner has adequately maintained the unit as required by the lease. In those instances where the LHA determines that the unit is not being satisfactorily maintained, the LHA shall try to resolve the problem with the owner. If the LHA is unsuccessful, it shall notify the family and owner that housing assistance payments will be terminated 30 days from the date of such notification.

**g. Amount of Rents.** It is a HUD requirement that properties in this program shall not be rented by an eligible family at an amount which is higher than the HUD established fair market rent (less utilities paid for directly by the family) for the housing market area in which the leased units are located. Further, the LHA shall not approve rents that exceed rents for similar properties in the neighborhood after taking into consideration differences in location, facilities and services, and the amounts required to enable the owner to continue to maintain the housing satisfactorily. The family may request the LHA to assist it in negotiating an acceptable rent with the owner.

**h. LHA Record of Units Rejected.** LHA files shall include documentation as to the rent asked by the owner and condition of all units rejected and a notation as to the reason(s) for rejection.

**i. Execution of Housing Assistant Payments Contract and Approval of Lease.** If a unit which is to be leased by an eligible family is determined to be in decent, safe, and sanitary condition pur-

suant to the provisions of paragraph 2-6f above, and the proposed rent to owner is approvable by the LHA, the LHA shall indicate its approval of the Owner's Offer to Lease (see Appendix VII), shall execute the Housing Assistance Payments Contract (see Appendix VI for prescribed form of Contract) and shall approve the Lease.

**j. Term of Lease.** The term of lease shall generally be limited to one year.

**2-7. LHA REPORTING REQUIREMENTS**  
Reserved.

### CHAPTER 3. PROCESSING PROCEDURES

#### 3-1. ORGANIZATIONAL RESPONSIBILITY

**a. Multifamily Housing Representative.** The Multifamily Housing Representative (MHR) on the Program Management Staff is the primary point of contact in the Area Office through which the LHA deals in obtaining guidance and assistance with respect to the housing assistance payments program for existing housing (without substantial rehabilitation) pursuant to the provisions of section 23 of the U.S. Housing Act of 1937.

**b. Processing Control and Reports Staff.** The Processing Control and Reports Staff (PC&R), under the direction of the Operations Division Director or his designee, is responsible for recording and controlling all documents relating to Area Office processing.

#### 3-2. TRANSMITTAL OF APPLICATION FORM AND RELATED DOCUMENTS TO THE LHA

At the direction of the Operations Division Director or his designee, the PC&R Staff shall supply copies of the following to LHAs requesting application forms for a housing assistance payments program, and indicate in the transmittal letter the number of copies of each form required to be submitted:

**a. HPMC-FHA, section 23 Existing Housing Program Handbook.**

**b. Form HUD, Application for a Section 23 Housing Assistance Payments Program.**

**c. Suggested Form of General Certificate or Organization Transcript.**

**d. Form HUD-52471, Suggested Form of Resolution by Local Housing Authority Authorizing Submission of Application for a Low-Rent Housing Program.**

**e. Form HUD-53051, Suggested Form of Resolution by Local Governing Body Approving Application of the Provisions of section 23 of the United States Housing Act of 1937, As Amended, to a Locality.**

**f. Form HUD-53037, Statement of Local Authority As to Compliance Under Title VI of the Civil Rights Act of 1964.**

**g. Forms HUD-9011, -9012, -9013, -9014, Transcript of Proceedings.**

#### 3-3. RECEIPT OF APPLICATION

Upon receipt of an application, the PC&R Staff shall record the application, assign an application number, assign an LHA number (for new LHA's), and ascertain that the appropriate legal documents have been submitted prior to accepting the application for processing.

**a. If any of the required documents are not submitted, a letter informing the LHA as to which documents are missing shall be prepared for the signature of the Director of Operations and mailed to the LHA.**

**b. If the application contains all required documents, a letter shall be mailed to the LHA acknowledging receipt and stating that the application is acceptable for initial evaluation.**

#### 3-4. REVIEW OF APPLICATION

**a. Routing of Application for Review.** The PC&R Staff shall distribute copies of each application accepted for initial evaluation to the MHR, the Area Economist, the Technical Services Branch, the Housing Management and Equal Opportunity Divisions, and the Area Counsel for simultaneous reviews. All completed reviews, including recommendations and comments, shall be forwarded, through the PC&R Staff, to the MHR within five working days. If a reviewing office is unable to complete its review within such time period, it shall notify the MHR, who shall take appropriate action to expedite the review.

**b. The Multifamily Housing Representative** shall review the application for consistency with program policies.

**c. The Area Economist** shall review the application to determine that there is a need for housing assistance for the number of units applied for; the urgency of need, including sub-market considerations if appropriate; that this need can be met through use of the existing housing stock; and that the unit-size and elderly/non-elderly distributions are appropriate. The Area Economist shall also review the income limits established for the locality to assure that they are adequate to serve families unable to afford decent, safe, and sanitary housing and recommend changes if deemed necessary.

**d. The Technical Services Branch (TSB)** shall evaluate the application to determine that there is an adequate supply of units in the locality(ies) at or below the HUD-established fair market rents for existing housing in such locality(ies). If the TSB finds that rents as reported in the LHA rental survey generally exceed fair market rents and their analysis indicates that the survey is accurate, the Assistant Director for Technical Services shall initiate action to revise the fair market rents upward to adequately reflect local market conditions.

**e. The Housing Management Division** shall review the application with respect to LHA capability to operate the program and provide adequate counseling to eligible families; to determine the adequacy of income limits, tenant selection policies and the estimates of family rentals and administrative expenses; and the LHA's demonstration of feasibility (i.e., that the amount which the families can contribute towards gross rent satisfies the requirement that the average monthly family contribution be at least 20 percent of the average monthly fair market rent). If deemed necessary,



Housing Management shall recommend appropriate changes in income limits, family rentals, tenant selection policies, or administrative expenses. Disapproval of the application shall be recommended if feasibility is not demonstrated.

f. The Equal Opportunity Division shall review the application for compliance with Equal Opportunity guidelines and requirements.

g. The Area Counsel shall review the LHA Organization Transcript, or General Certificate, and the LHA and local governing body resolutions to determine their legal acceptability and consistency with State enabling legislation.

h. In applicability of A-95 and Environmental Clearance Reviews. Section 23 existing housing is not subject to the requirements of A-95 and Environmental Clearance procedures.

### 3-5. APPROVAL OF ANNUAL CONTRIBUTIONS CONTRACT.

a. *MHR Recommendation.* After resolving any disparate review comments, the MHR shall recommend, and obtain appropriate concurrences to initiate; one of the following actions:

(1) Approval of the application as submitted. (When there are more approvable applications than available annual contributions funds, the Area Office shall establish priorities for processing

to ACC List, consistent with the provisions of paragraph 1-3g(2).)

(2) Preparation of a letter, to be signed by the Operations Division Director, to the LHA outlining the specific changes required for approval. The letter shall indicate that if the LHA adopts the required changes and notifies HUD of such action within 30 days, the application will be approved (if annual contribution funds are available) in accordance with the instructions in paragraph 3-5b below. If the 30-day time limit is not met, the application shall be disapproved and returned to the LHA.

(3) Disapproval of the application. If an application is to be disapproved, a letter signed by the Area Director shall be mailed to the LHA, returning the application and explaining in detail the reasons for disapproval. Copies of the disapproval letter shall be forwarded to the ARA for HPMC and the Director, Publicly Financed Housing Division, HPMC.

b. *Approval.* If an application is to be approved, the MHR shall initiate preparation of an Annual Contributions Contract List (Appendix III). The following is an example of the methodology to be used to determine the annual contribution amounts for a hypothetical 50-unit project:

	EFF	1 BR	2 BR	3 BR	Total
(1) Monthly fair market rent.....	\$150	\$170	\$190	\$200	-----
(2) Monthly LHA Administrative expense.....	\$7	\$7	\$7	\$7	-----
(3) Line (1) + Line (2).....	\$157	\$177	\$197	\$207	-----
(4) Average monthly rent payable by family.....	\$30	\$35	\$50	\$70	-----
(5) Line (3) - Line (4).....	\$127	\$142	\$147	\$137	-----
(6) Number of units.....	10	15	20	5	50
(7) Max. total mo. contribution (Line (5) x (6)).....	\$1,270	\$2,130	\$2,940	\$685	\$7,025
(8) Maximum total annual contribution.....			12xLine (7) =	\$84,300	
(9) Average annual contribution per unit.....					\$1,686

The prepared ACC List shall be submitted, through the ARA for HPMC, to the Director, Publicly Financed Housing Division, HPMC. A completed HUD Form 416.2 shall accompany the ACC List submission. Upon approval of the ACC List, a copy of the List shall be given to the Area Counsel for preparation of the Annual Contributions Contract, which shall include the special provisions applicable to Section 23 existing housing projects prescribed in Appendix IV.

c. *Transmittal of Annual Contributions Contract to LHA.* Immediately upon receipt of the approved ACC List from Central Office, the Area Director shall sign a letter transmitting the Annual Contributions Contract and appropriate documents to the LHA for execution and return to the Area Office. The letter of transmittal shall indicate:

(1) The number of units approved and the fair market (maximum gross) rents, by unit size (number of bedrooms);

(2) The total amount of Annual Contributions committed (for all units); and

(3) A leasing schedule consisting of target dates by calendar quarter endings which will specify the number of units to be occupied during each quarter. For programs of 100 units or more, the schedule shall be established so as to achieve occupancy of all units by eligible fam-

ilies within a maximum of twelve months after execution of the Annual Contributions Contract. In the case of smaller programs, a shorter time period may be established.

Copies of the transmittal letter shall be forwarded to the ARA for HPMC and the Director, Publicly Financed Housing Division, HPMC.

d. *Execution of Annual Contributions Contract.* Upon receipt of the Annual Contributions Contract and appropriate documents from the LHA, the Annual Contributions Contract shall be executed by the Operations Division Director.

### 3-6. AREA OFFICE REVIEW OF LHA ACTIVITIES

a. *Initial Review.* When 30 percent of the units within a project have been leased, but not later than 90 days after execution of the Annual Contributions Contract for the project, the Director of Operations shall coordinate, with the Directors of Housing Management and Equal Opportunity, reviews of the LHA's operations in connection with the provisions of this Handbook. The reviews will include, but not necessarily be limited to, the following items:

(1) *Inspection of Dwellings.* The Area Office shall make an inspection, on a sample basis, of units leased or about to

be leased to determine the condition of the dwellings and the neighborhood(s) within which they are (to be) located as a basis for determining any noncompliance with required standards.

(2) *Review of Lease Documents.* The Area Office reviews shall include a post audit of lease documents (including Certificates of Eligibility, Owners' Offers to Lease, Housing Assistance Payments Contracts, and Owner-Family Leases), to determine if they conform to the requirements of this Handbook. Such audit shall include at least the lease documents for the units inspected pursuant to subparagraph (1) above.

(3) *Rents Payable to Owners.* For the units inspected pursuant to subparagraph (1) above, representatives of the Area Office Operations Division shall determine if rents paid or to be paid to owners are reasonable, do not exceed the amounts specified in the lease, in the contracts for the units involved, and the fair market rents as established by HUD.

(4) *Other Leasing Activities.* The Area Office shall also review other aspects of the LHA's leasing activities for compliance with the provisions of this Handbook including, but not limited to: (1) whether the rate of occupancy is proceeding as per the Area Office-approved leasing schedule; and (2) whether relocation requirements are being met.

b. *Subsequent Reviews.* Subsequent reviews, scheduled as necessary, will include, but not necessarily be limited to, the following items:

(1) *Inspection of Dwellings.* The Area Office shall review to determine whether the LHA is meeting the requirement that units be inspected at least annually and that housing assistance payments are not being made for unoccupied or substandard dwelling units.

(2) *Distribution of Units.* The Area Office shall review to determine whether the distribution of units by unit size (number of bedrooms) is in accordance with the distribution specified in the Annual Contributions Contract.

(3) *Project Feasibility.* The Area Office shall also review to determine whether the average monthly family contribution is meeting the requirement that it equals at least 20 percent of the average monthly fair market rent for the project.

(Section 7(d) of the Dept. of HUD Act; 42 U.S.C. 3535(d); Delegation of Authority to the Asst. Sec., 36 FR 5006, March 16, 1971.)

Issued at Washington, D.C. November 9, 1973.

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

[FR Doc. 73-24367 Filed 11-14-73; 8:45 am]



# DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety  
Administration

[Docket No. EX73-9; Notice 1]

SEBRING-VANGUARD, INC.

## Petition for Temporary Exemption From Motor Vehicle Safety Standards

Sebring-Vanguard, Inc. of Sebring, Florida, has applied for temporary exemption of its CitiCar from certain safety standards on grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

The company was incorporated on May 14, 1973, for the purpose of manufacturing electric-powered motor vehicles. It intends to begin manufacture of its CitiCar two-passenger vehicle around January 1, 1974, and does not intend to manufacture more than 2,500 vehicles during that calendar year. The exemptions would be for a 1-year period only.

The exemptions that it requests would allow it to manufacture vehicles without defrosting systems (Standard No. 103), self-cancelling turn signals (Standard No. 108), conforming door latches and hinges (Standard No. 206), and upper torso restraints (Standard No. 208). The year provided by the exemptions would allow time for design and tooling of nonstandard components necessary for lightweight electric vehicles, while the company establishes itself in manufacturing and selling its products. The CitiCar cannot currently comply with Standard No. 103 as presently available electric defrosting systems are unsuitable for several reasons that the company describes in its petition. Further, SAE test procedures incorporated in Standard No. 103 require idling, a physical impossibility for electric vehicles. Sebring-Vanguard states that self-cancelling turn signal units are also unavailable for its presently designed steering wheel and column configuration. Its problems with Standard No. 206 stem from the fact that the hinge load requirements specified are appropriate for heavyweight vehicles, and not for those that have an unloaded weight of less than 1,000 pounds. Finally, it is as yet uncertain that its frame can withstand the forces required by Standard No. 208 for upper torso restraints.

The company's arguments that 1-year exemptions will not unreasonably degrade the safety of the vehicle may be summarized as follows: Standard No. 103—a fan and air scoop system will provide defogging, but the car is not likely to be driven in conditions where a defroster is needed, due to its lack of heater and the deterioration of range under low temperature conditions. Standard No. 108—the turn signals are cancellable by hand. Standard No. 206—approved marine hardware will be used for door hinges and latches. Standard

No. 208—vehicles have a top speed of only 28 m.p.h., and will be equipped with type 1 belts and padded dashboards.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Sebring-Vanguard, Inc., described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: December 17, 1973.

Proposed effective date: January 1, 1974.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on November 9, 1973.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.73-24420 Filed 11-14-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 26012]

ATLANTIC CENTRAL AIRLINES, LTD.

## Notice of Prehearing Conference and Hearing Regarding Saint John, New Brunswick, Canada-Bangor, Maine Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 11, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Milton H. Shapiro.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before December 4, 1973.

Dated at Washington, D.C., November 9, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc.73-24400 Filed 11-14-73;8:45 am]

[Docket No. 25814]

MAERSK AIR I/S

## Notice of Prehearing Conference and Hearing Regarding Charter Foreign Air Transportation Denmark-United States-Other Countries

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 12, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before December 5, 1973.

Dated at Washington, D.C., November 9, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc.73-24401 Filed 11-14-73;8:45 am]

[Docket Nos. 26057, 26075; Order 73-11-34]

PAN AMERICAN WORLD AIRWAYS, INC.

## Order of Approval Regarding Authorization To Engage in Capacity Reduction Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of November 1973.

By applications, dated October 31, 1973 and November 7, 1973, Pan American World Airways, Inc. (Pan American) requests authorization to engage in discussions looking toward agreements on schedule adjustments, capacity limitations, pooling of revenues and operations, or other cooperative working arrangements with respect to services in foreign air transportation over routes served by Pan American. In addition, Pan American requests that the Board's authorization contemplate procedures for the earliest possible implementation of any agreements that may be entered into, subject, where deemed necessary, to the Board's subsequent review under section 412 of the Federal Aviation Act of 1958, as amended. Finally, because of the critical fuel situation and the worldwide scope of the problem and location of carriers affected, it is further requested by Pan American that the Board modify certain of the procedural requirements contained in Order 73-10-79 permitting discussions relating to domestic and overseas air transportation. The authorized participants in such discussions would be all U.S.- and foreign-flag air carriers holding certificates or permits issued by the Board authorizing scheduled foreign air transportation and will involve a discussion of routes throughout Pan American's worldwide system.

In support of its applications, Pan American presents one extremely crucial, overriding factor—the fuel shortage



crisis.<sup>1</sup> The scarcity of oil products generally, and jet turbine fuel particularly, grows more serious every day throughout the world and has had a devastating effect on the availability of fuel purchased "in bond" in the U.S. for use by Pan American and other carriers in international air service. Pan American advises that two of the major oil companies who together supply almost 50 percent of its total fuel supplies have informed Pan American that there will be massive shortfalls below the contracted levels of supply. Besides supplying a substantial portion of Pan American "in bond" fuel supplies, these same companies are also the suppliers of Pan American's fuel at some 35 foreign stations in every part of Pan American's system, in Europe, the Caribbean, South America and the Far East.

Along these same lines, Pan American statistically claims that a relatively small reduction in frequencies would produce significant fuel savings.<sup>2</sup>

A statement in support of the authorization requested in Docket 26037<sup>3</sup> has been filed by the Department of State. Recognizing the critical worldwide situation that appears to be developing in aviation fuel supplies, the Department of State indicates that appropriate action must be expeditiously taken in order to effectively deal with this problem.

In light of the present international fuel crisis, the Board recognizes the necessity that airline frequencies be reduced or adjusted in order to conform with existing fuel supplies. We have, therefore, decided to authorize discussions as herein set forth subject to certain conditions. It is the view of the Board that mutual agreements between carriers affecting a reduction in capacity or the adjustment of schedules through agreements scrutinized and approved by the respective governments is the method most likely to provide the public with the best air service possible under the

existing levels necessitated by the fuel shortage. (See Order 73-10-110 at p. 2.)

Our authorization in this instance will apply to any discussions which look toward an agreement on schedule adjustments, capacity limitations and consolidation of operations. We recognize the fact that many of the markets involved are only being served by a few carriers on a daily basis and a proper consolidation of operations or schedules may be necessary to insure that the markets will continue to receive an adequate level of service.

Any agreement which may be negotiated by the parties will be subject to approval by both the Board and the government of the foreign country involved, before implementation. While it is the conclusion of the Board that the most efficient and expeditious means of reaching an agreement can be achieved by having the carriers conduct the discus-

<sup>1</sup>Answers in both dockets have been filed to date by the National Air Carrier Association, in which it is stated that the NACA carriers do not oppose the requested authorizations, provided that the Board states clearly that it will not approve any capacity reduction agreement "which leaves the agreement carriers free to utilize freed capacity and saved fuel in transatlantic passenger charter operations." It is further requested that the charter operations for any month of the agreement carriers should be frozen to the year-earlier levels for the same month in the same market.

Analogous requests were considered and rejected by the Board in Order 73-10-110, in which the Board approved capacity reduction agreements needed to effectuate the fuel allocation program. While that order dealt with domestic markets, the same consideration pertains to markets in foreign air transportation. In short, as stated elsewhere herein, the authorizations being sought and granted by the Board are necessary to the conservation of fuel. Actions to implement the conservation program do have to be taken with minimal adverse impact on affected carriers, travelers, and communities. And, we agree that additional service operated by agreeing carriers could in some circumstances be adverse to the interests of fuel conservation. But, here, too, we view it best, under the fuel emergency circumstances, to await the complaints by vigilant competitors to call our attention to actions which warrant the Board's reappraisal of its action herein, since a frozen pattern of services would unduly interfere with the agreement carriers' ability to deal flexibly with the public's changing needs.

However, as we also said in Order 73-10-110 (footnote 8a), "The Board will not tolerate transfer of fuel capacity to non-agreement markets." By that we meant that an agreement carrier which transfers capacity from an agreement market to a non-agreement market (including a charter market) must, if challenged, be prepared to show that it is meeting an urgent public need and not merely attempting to improve its competitive position in the non-agreement market. Since the justification for our current emergency order is to save critically scarce fuel at the least possible inconvenience to the traveling public, we would consider the latter form of behavior as an intolerable abuse of the authority we have granted.

sions, the Board has not decided, tentatively or otherwise, whether any particular agreement, or form of agreement, would be consistent with the public interest, and should therefore be approved. It seems clear, however, that the urgency of the situation requires that the expertise and familiarity of air carrier personnel with route structures and schedules be utilized in attempting to reach an agreement of this nature. Intergovernmental consultation looking toward capacity reduction agreements would be too cumbersome, complex and time-consuming to hold any prospect for relief in the near future.

The Board recognizes the fact that our authorization in this case will create a situation which has not previously been considered. Our past authorization of discussions in capacity limitations have involved only U.S. certificated and supplemental air carriers and certain restricting conditions were imposed. In light of the complexity of issues to be considered in finalizing any agreement, the multitude of countries and carriers involved and the distances between the offices of the personnel who will participate in the discussions, it is the conclusion of the Board that inflexible notice and situs restrictions in this type of authorization would be inappropriate and unduly burden the parties involved. The aforementioned circumstances justify additional flexibility for less formal carrier consultations (i.e., by phone, telegram, or otherwise), without a requirement for formal meetings. We do, however, anticipate that to the extent practicable the carriers will conduct their discussions in Washington, D.C. and give the Board sufficient advance notice. Moreover, we will require that Pan American set forth the circumstances necessitating informal procedures, when utilized, in its reports to the Board.

In order to effectively monitor the procedures of any discussions, the Board feels that effective reporting requirements should be established. This can be accomplished by establishing Pan American as the coordinating body which will do the following: (1) Arrange and carry out, in such manner as may be required, procedures for all discussions authorized herein; (2) serve as a central source of information to the Board and to interested persons respecting the status and content of discussions and resulting joint arrangements; (3) prepare and submit to the Board a bi-weekly report summarizing the discussions held, setting forth the circumstances necessitating informal procedures when utilized, and setting forth the details of any arrangements entered into;<sup>4</sup> and (4) arrange for the air carrier parties to prepare and file with the Board for approval the arrangements agreed to by the participants.

We shall expect that copies of such agreements will be amply supported by affidavits regarding such items as fuel

<sup>1</sup>We note that Pan American has urged approval of discussions also for the purpose of alleviating alleged excess capacity in the transatlantic market. The authorization granted herein is solely for purposes of alleviating the fuel crisis and does not encompass authority to discuss capacity reduction for other purposes.

<sup>2</sup>Figures presented by Pan American in Docket 26057 indicate that a 10 percent cut-back from the level of frequencies operated in scheduled transatlantic service in 1972 would reduce fuel consumption by approximately 155,410,000 gallons annually.

<sup>3</sup>Pan American's first application involved discussions affecting the transatlantic markets.



savings, estimated load factors in markets having reduced capacity, and a detailed report from each participant of the proposed changes to be effected by the revision of schedules pursuant to the agreement.

We further will require the parties to serve a copy of any agreement on each city and airport at which service will be reduced.

Accordingly, it is ordered, That:

1. The applications of Pan American World Airways, Inc. insofar as they request authorization to hold discussions looking toward agreements on schedule adjustments, capacity limitations and consolidation of operations as necessary to meet the current fuel crisis, be and they hereby are approved subject to the following conditions.

(a) The participants in such discussions shall be limited to all United States- and foreign-flag air carriers authorized by certificates or permits to engage in scheduled foreign air transportation to and from the United States;

(b) Except as provided in subparagraph (c) below, the discussions shall be conducted in accordance with the following procedures:

(i) The discussions shall be held in Washington, D.C. and representatives of the Civil Aeronautics Board and any other interested persons shall be permitted to attend;

(ii) Notices of all meetings held pursuant to this order shall be served on the carriers involved in the markets under discussion, the cities directly affected by any reduction in service, and the Civil Aeronautics Board. Such notice shall be served at least 48 hours prior to said meeting;

(iii) A full transcript shall be maintained at all meetings, at the expense of the carriers, and two copies of said transcript shall be filed with the Board;

(c) In those circumstances where compliance with the procedures in subparagraph (b) above would be impracticable, the carriers may adopt other less formal procedures subject to the following requirements:

(i) Prior to commencement of any such informal discussions, Pan American will be established as the coordinating body who will submit all reporting data to the Board;

(ii) Under such authority, Pan American shall: (1) Arrange and carry out, in such manner as may be required, procedures for any discussions authorized pursuant to this order; (2) serve as a central source of information to the Board and to interested persons respecting the status and content of discussions and resulting joint arrangements; (3) prepare and file with the Board a bi-weekly report summarizing the discussions held, setting forth the circumstances necessitating informal procedures when utilized, and setting forth the details of any arrangements entered into during or as a result of such discussions; and (4) arrange for the air carrier parties to prepare and file with the Board for approval the arrangements agreed to by the participants;

(iii) The bi-weekly report referred to in (ii) (3) above shall be filed in triplicate with the Board's Docket Section (under Docket 26057);

(iv) All carriers participating in informal discussions as authorized by this subparagraph (c) shall be responsible for submitting to Pan American such information as may be required to fully comply with the reporting procedures provided for in (ii) above;

(d) Joint arrangements reached as a result of discussions herein authorized shall not be implemented without prior Board approval, and prior notice of any schedule changes shall be given to each city and airport affected, to the government of the country involved, to the Board, and to each government entity specified in ordering paragraph 2, infra;

(e) The authorization granted herein shall expire 119 days from the date of issuance of this order, and may be revoked or amended at any time in the discretion of the Board; and

(f) This authorization does not extend to discussions of rates, fares, and charges, or to discussions of any matters not directed toward meeting the current fuel crisis.

2. Copies of this order shall be served on the Departments of Defense, Justice, Transportation and State; the U.S. Postal Service; and all air carriers authorized by certificate or permit to engage in foreign air transportation in scheduled services to and from the United States; and

3. Except to the extent granted herein, all other requests be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.73-24403 Filed 11-14-73;8:45 am]

[Docket No. 25932]

#### SPEARAIR OY

#### Notice of Prehearing Conference and Hearing Regarding Charter Foreign Air Transportation Finland-United States-Other Countries

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 13, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825

Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before December 6, 1973.

Dated at Washington, D.C., November 9, 1973.

[SEAL] RALPH L. WISER,  
Chief Administrative Law Judge.  
[FR Doc.73-24402 Filed 11-14-73;8:45 am]

#### COMMISSION ON CIVIL RIGHTS NEW JERSEY 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 New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m., on November 15, 1973, at the Holiday Inn of Trenton, 240 West State Street, Trenton, New Jersey 08608.

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 review and finalize program plans in connection with the scheduled SAC fact-finding meeting on the New Jersey Prisons Systems.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 6, 1973.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.73-24383 Filed 11-14-73;8:45 am]

#### DELAWARE RIVER BASIN COMMISSION

#### MARTINS CREEK ELECTRIC GENERATING STATION

##### Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, November 28, commencing at 10 a.m. The hearing will be held in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia. The subject of the hearing will be the proposed expansion of the Pennsylvania Power & Light Company's Martins Creek steam electric generating station located in Northampton County, Pa.

The Martins Creek station is located on the west bank of the Delaware River approximately ten miles north of Easton, Pa. The proposed expansion includes construction of units No. 3 and No. 4 which are oil-fired steam electric generating units, each with a capacity of 800

\* This report should describe any communications between or among the carriers, whether by telephone, telegram, prearranged meeting or otherwise, which are made in furtherance of any agreement or joint arrangement authorized pursuant to this order. Such communications shall include initial inquiries respecting discussions and/or joint arrangements, irrespective of whether further negotiations result. At minimum, each airline officer engaging in such communications should submit to the coordinating body, for transmission to the Board, a daily description of all such communications to other air carriers, a short statement as to the subject and substance of the communication, and a statement as to any determination reached.



megawatts, alongside two existing coal-fired operating units of 150 megawatts 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 per unit 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.

A draft environmental impact statement was prepared by the Commission in accordance with the National Environmental Policy Act of 1969 and the Commission's Rules of Practice and Procedure. Public notice of availability of the draft environmental impact statement was given on October 30, 1973. The statement will be included as part of the subject matter of the public hearing. Information relating to this project may be examined at the offices of the Commission. Copies of the draft environmental impact statement are available for distribution to persons or agencies upon request. Persons wishing to testify are asked to register with the Secretary not later than noon on Tuesday, November 27. Written testimony may be submitted in lieu of oral testimony and will be made part of the record if received by the Commission not later than December 21, 1973.

The public hearing will be limited to the Martins Creek steam electric generating station expansion as described in this notice and witnesses will be requested to limit testimony to that project. The scope of the hearing does not include a proposed oil pipeline which may be constructed at a future date by Interstate Energy, Inc., to provide fuel for the Martins Creek station. The proposed oil pipeline will be the subject of a separate public hearing to be held by the Commission at a later date after public notice.

Dated: November 9, 1973.

W. BRINTON WHITALL,  
Secretary.

[FR Doc.73-24365 Filed 11-14-73; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### CHEMAGRO DIVISION OF BAYCHEM CORP.

#### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512 (21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 4F1432) has been filed by Chemagro

Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the herbicide 4-amino-6-(1,1-dimethyl-ethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one and its triazinone metabolites in or on the raw agricultural commodities sugarcane and tomatoes at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatography procedure using electron capture detection.

Dated November 9, 1973.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.73-24373 Filed 11-14-73; 8:45 am]

### E. I. DU PONT DE NEMOURS & CO., INC.

#### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; (21 U.S.C. 346a(d) (1))), notice is given that a petition (PP 4F1437) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide methomyl (S-methyl N - [(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodities grapes at 5 parts per million and beans (dry) at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a modification of the gas chromatographic method of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food Chemistry", Vol. 16, pp. 554-7 (1968), using a flame photometric detector instead of a microcoulometric detector.

Dated: November 9, 1973.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.73-24374 Filed 11-14-73; 8:45 am]

## LEPTOPHOS

#### Notice of Extension of Temporary Tolerance

The Velsicol Chemical Corp., 341 East Ohio Street, Chicago IL 60611, was granted temporary tolerances for combined residues of the insecticide leptophos (O-(4-bromo-2,5-dichlorophenyl) O-methyl phenylphosphonothioate), and its metabolites O-(4-bromo-2,5-dichlorophenyl) O-methyl phenylphosphonate; 4-bromo-2,5-dichlorophenol; and O-(2,5-dichlorophenyl) O-methyl phenylphosphonothioate in or on the raw agricultural commodities collards at 5 parts per million and apples (fruit intended for the fresh fruit market) and pears at 3 parts per million on November 29, 1972, in connection with Pesticide Petition No. 2G1268 (notice was published in the

FEDERAL REGISTER of December 7, 1972, (37 FR 26086)).

The firm has requested a 1-year extension for the temporary tolerances on apples (fruit intended for the fresh fruit market) and pears to obtain additional experimental data on these commodities. It is concluded that such extension will protect the public health. A condition under which these temporary tolerances are extended is that the insecticide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Velsicol Chemical Corp. name.

As extended, these temporary tolerances expire November 29, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623) and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: November 9, 1973.

HENRY J. KOPF,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.73-24375 Filed 11-14-73; 8:45 am]

## FEDERAL MARITIME COMMISSION

### FLORIDA-CARIBBEAN CRUISE ASSOCIATION

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by November 27, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter)



and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Dennis N. Barnes, Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW, Washington, D.C. 20036.

Agreement No. 9857-1 modifies Agreement No. 9857 which established the Florida-Caribbean Cruise Association.

Under Agreement No. 9857-1, Member Lines and Associate Member Lines may agree to institute a uniform surcharge to cover increases in fuel oil (bunker) cost.

By Order of the Federal Maritime Commission.

Dated: November 9, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-24391 Filed 11-14-73; 8:45 am]

#### GOODWILL & CO.

##### Notice of Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

KOMMANDITSELSKAPET A/S GOODWILL CO., DRAMMENSVEN 314, 1324 LY-SAKER, NORWAY.

Dated: November 9, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-24396 Filed 11-14-73; 8:45 am]

#### PACIFIC COAST EUROPEAN CONFERENCE

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set

forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

G. E. Hay, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 5200-28, among the member lines of the above-named Conference, authorizes the Pacific Coast European Conference to enter into arrangements with other lines or groups of lines as a single party only.

By Order of the Federal Maritime Commission.

Dated: November 12, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-24393 Filed 11-14-73; 8:45 am]

#### PORT OF EVERETT AND FOSS LAUNCH AND TUG CO.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward G. Lowry, III, Esq., Bogle, Gates, Dobrin, Wakefield, and Long, 14th Floor, Norton Building, Seattle, Wash. 98104.

Agreement No. T-2870, between the Port of Everett, Washington (Everett)

and Foss Launch & Tug Co. (Foss) provides for the 3-year lease to Foss of four parcels of land aggregating approximately 405,700 square feet of area as well as two floors of building space containing 5,450 square feet of floor space. The leased premises are to be used solely in connection with Foss' operation of a tug and barge business. In return, Everett will receive \$1,775 per month as rental.

By order of the Federal Maritime Commission.

Dated: November 9, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.73-24393 Filed 11-14-73; 8:45 am]

#### PORT OF SEATTLE AND AMERICAN MAIL LINE, LTD.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. George Sutter, Manager, Real Estate Services, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Agreement No. T-2671-2, between the Port of Seattle (Port) and American Mail Line, Ltd. (AML), Division of American President Lines, Ltd., modifies the parties' basic agreement providing for AML's month-to-month lease of certain office space, storage, and transit shed area located at Pier 28, Seattle, Washington, to be used for offices, storage, and transit shed operation. The purpose of the modification is to enlarge the leased premises



by 18,000 square feet and increase the monthly rental by \$1,080.00.

By order of the Federal Maritime Commission.

Dated: November 12, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 73-24394 Filed 11-14-73; 8:45 am]

#### PUERTO RICO OFFICE

##### Availability of Commission Forms

Certain General Orders of the Commission provide that forms may be obtained at the Commission's offices in Washington, D.C., New York, N.Y., New Orleans, La., and San Francisco, California (e.g., 46 CFR 540.4 and 542.4).

Notice is hereby given that any such forms may also be obtained at the Commission's Puerto Rico office, P.O. Box 3168, Old San Juan Station, Room 108A, Comercio and Tanca Streets, Old San Juan, Puerto Rico 00904.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 73-24397 Filed 11-14-73; 8:45 am]

#### U.S. FLAG-U.S. PACIFIC COAST/FAR WEST/SOUTHEAST ASIA DISCUSSION AGREEMENT

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 5, 1973. Any person desiring a hearing on a proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

##### Notice of agreement filed by:

Mr. J. Donald Kenny, Vice President—Legal,  
American President Lines, Ltd., 601 California Street, San Francisco, California 94108.

##### Agreement No. 10096, entered into by:

American President Lines, Ltd., Pacific Far East Line, Inc., and States Steamship Company.

all U.S.-flag common carriers by water operating in the trades between ports on the Pacific Coast of the United States and ports in the Far East and Southwest Asia, covers an arrangement for discussions and exchange of information to facilitate long range planning with respect to, but not limited to, energy shortages, environmental controls, technological developments, monetary and fiscal policies, port development, scheduling, intermodal regulations, equipment procurement and other purchasing requirements.

By Order of the Federal Maritime Commission.

Dated: November 12, 1973.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 73-24395 Filed 11-14-73; 8:45 am]

#### U.S. GULF/JAPAN COTTON POOL AGREEMENT

[Docket No. 73-67]

##### Clarification of Order To Show Cause; Enlargement of Time

Counsel for the parties to Pool Agreement 8682 has requested that the Commission clarify its order in this proceeding, particularly as it relates to the "aspects of national maritime policy" set forth in the last paragraph of recitals, on page 3 thereof.

Pursuant to their request, it is ordered that said paragraph be amended to read as follows:

It would appear that the carrying out of the Pool Agreement, in the context of P.S. 17 and MARAD's non-waiver, effectively nullifies some aspects of national maritime policy, and that it would be contrary to the public interest because pool payments under the circumstances would be tantamount to overriding the non-waiver policy of MARAD.

Counsel also requests an enlargement of time within which to respond to the order to show cause. Good cause appearing time within which respondent's affidavits of fact and memoranda of law, and requests for hearing shall be filed is enlarged to and including December 17, 1973. Reply affidavits and memoranda of law shall be filed by the Commission's Bureau of Hearing Counsel and interveners, if any, on or before January 4, 1974.

Except as amended herein the Order to Show Cause served October 18, 1973, remains in full force and effect.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 73-24398 Filed 11-14-73; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. RI74-40]

#### ASHLAND OIL, INC.

##### Notice of Petition for Special Relief

NOVEMBER 8, 1973.

Take notice that on October 11, 1973, Ashland Oil, Inc. (Petitioner), P.O. Box 1503, Houston, Texas 77001, filed a petition for special relief in Docket No. RI74-40, pursuant to section 2.76 of the Commission's general policy and interpretations. Petitioner requests that it be granted special relief from the area rate and moratorium provisions of the Commission's Opinion No. 598 and seeks to collect from Trunkline Gas Company, its pipeline purchaser, a price of 45 cents per Mcf at 15.025 p.s.i.a. for gas produced from all wells drilled, redrilled, or reworked on Block 179, South Timballe Area (offshore Southern Louisiana), subsequent to October 1, 1973.

Petitioner proposes the drilling of an exploratory well to explore for the D-7 sand in Block 179. If successful in this exploratory effort, Petitioner also proposes the sidetracking, redrilling or reworking of Well No. 2 OCS G-1565 for completion in the D-7 sand. Petitioner indicates that it is unwilling to undertake the proposed drilling program in the absence of rate relief.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 30, 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-24324 Filed 11-14-73; 8:45 am]

[Docket No. E-8452]

#### IOWA-ILLINOIS GAS AND ELECTRIC CO.

##### Notice of Cancellation

NOVEMBER 8, 1973.

Take notice that Iowa-Illinois Gas and Electric Company (Iowa-Illinois) on October 23, 1973, tendered for filing a Notice of Cancellation of an agreement between Iowa-Illinois and Northern States Power Company (NSP), designated as Supplement No. 8 to Iowa-Illinois' Rate Schedule FPC No. 14. Iowa-Illinois states that the agreement is to expire by its own terms October 31, 1973, and that the Notice of Cancellation dated October 18, 1973, has been mailed to NSP, the Iowa State Commerce Commission, and the Illinois Commerce Commission.



Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,  
Secretary.

[FR Doc.73-24315 Filed 11-14-73; 8:45 am]

[Docket No. E-8394]

#### METROPOLITAN EDISON CO.

##### Order Accepting for Filing and Suspending Proposed Rate Schedule and Establishing Hearing Procedures

NOVEMBER 9, 1973.

On September 10, 1973, Metropolitan Edison Company (Met-Ed), submitted for filing a proposed "Wheeling and Supplemental Power Agreement" with Allegheny Electric Cooperative, Inc. (Allegheny) which is to replace an Agreement which expires on November 9, 1973. Met-Ed submitted a cost of service study for test year 1972 as required by Commission regulations in support of its filing. The company requests that the Agreement, with its proposed rate schedule, be allowed to become effective without suspension on November 10, 1973 so that it may immediately replace the existing contract upon its expiration.

Notice of this filing was issued on September 28, 1973 providing for all comments and petitions to intervene to be filed by October 10, 1973. No comments or petitions have been filed.

Among the adjustments made in the proposed agreement is a cost of service change in which Met-Ed would give normalized (deferred) tax effect to the allowance for funds used during construction and for other expenses capitalized during the test period, an increase in overall return to 9.62 percent, and an agreement not to file a rate increase which would take effect prior to May 9, 1975.

The proposed rate for supplemental service to Allegheny incorporates a fuel adjustment clause which, by its design, would impute Met-Ed's own fuel expense variation to its purchased power and net interchange transactions and thus would not be in conformance with Commission regulations as interpreted in Opinion No. 633.

Further review of the filing indicates that the proposed agreement has not been shown to be just and reasonable and may be unjust, unreasonable, unduly

discriminatory, preferential, or otherwise unlawful. We will therefore suspend the proposed rates for the full statutory period and established hearing procedures. The Commission finds.

(1) Metropolitan Edison's Rate Schedule for Wheeling and Supplemental Service has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) The proposed fuel adjustment clause does not conform with Commission regulations as they have been interpreted by the Commission in Opinion No. 633.

(3) Good cause exists to accept for filing the tendered filing referred to in finding paragraph (1) above, that such filing be suspended and the use thereof deferred, and that a public hearing be initiated in accordance with the procedures set forth below, all as herein after ordered.

##### The Commission orders.

(1) Pending a hearing and a decision thereon, the proposed Agreement and Rate Schedule is accepted for filing and suspended for the full statutory term and the use thereof deferred until April 10, 1974.

(2) Metropolitan Edison shall file, within 30 days of the date of this order, a revised fuel adjustment clause conforming with Commission Opinion No. 633.

(3) Pursuant to authority of the Federal Power Act particularly sections 205 and 206 thereof, the Commission's rules and regulations (18 CFR Ch. I), a prehearing conference shall be held on February 26, 1974, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. A hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates, charges and terms and conditions in Metropolitan Edison's proposed Rate Schedule shall be held commencing on March 19, 1974 at 10:00 a.m., e.s.t.

(4) At the prehearing conference on February 26, 1974, Metropolitan Edison prepared testimony together with its entire filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(5) On or before February 15, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before February 22, 1974. Any rebuttal evidence by Metropolitan Edison shall be served on or before March 11, 1974.

(6) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR Part 315(d)), shall preside at the hearing in this proceeding, shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(7) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.

[FR Doc.73-24320 Filed 11-14-73; 8:45 am]

[Docket No. E-8458]

#### MINNESOTA POWER AND LIGHT CO.

##### Notice of Proposed New Electric Service Agreement

NOVEMBER 8, 1973.

Take notice that Minnesota Power and Light Company (Minnesota) on October 26, 1973, tendered for filing a proposed Electric Service Agreement with the Village of Proctor, Minnesota. The proposed agreement would have an effective date not later than October 23, 1973, and replaces Federal Power Commission Rate Schedule No. 76, which has expired. The new agreement would have no anticipated effect upon revenue. According to Minnesota, service has been made upon the Village of Proctor in accordance with § 35.2(d).

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 sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMS,  
Secretary.

[FR Doc.73-24317 Filed 11-14-73; 8:45 am]

[Docket No. RP71-107, (Phase II)]

#### NORTHERN NATURAL GAS CO.

##### Notice of Proposed PGA Adjustment

NOVEMBER 8, 1973.

Take notice that Northern Natural Gas Company (Northern) on October 25, 1973, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Third Revised Sheet No. 4a entitled "Original PGA-1, Notice of Purchased Gas Cost Adjustment Rate Change".

This sheet is issued pursuant to Northern's Purchased Gas Cost Adjustment provision set forth in Paragraph 20 of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1. According to Northern, this provision was approved by order of the Federal Power Commission dated August 11,



1972, in Docket No. RP71-107 (Phase II). This change in Northern's rates reflects the increase in Northern's average estimated cost of purchased gas for the year 1974, as adjusted for the unrecovered cost of purchased gas for the period October 1, 1972 through September 30, 1973. Third Revised Sheet No. 4a provides for an increase of six and sixty-four hundredths cents (6.64¢ per Mcf in the Commodity portion of all jurisdictional rates which will result in an increase in annual jurisdictional revenues of approximately \$44,012,000 per year.

Northern proposes that this tariff sheet become effective on December 27, 1973.

The Company states that copies of the filing have been mailed to each of the Gas Utility 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 sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-24318 Filed 11-14-73; 8:45 am]

[Docket No. AR70-1; (Phase I)]

#### PERMIAN BASIN AREA

#### Area Rate Proceeding: Notice Granting Time Extension

NOVEMBER 8, 1973.

A number of respondents in the above-entitled proceedings have requested that the time for filing quality statements pursuant to Ordering Paragraph (F) of Opinion No. 662 issued August 7, 1973, be extended. One respondent has also requested that the time for filing refund reports under Ordering Paragraph (G) of that opinion be extended.

Upon consideration of the above requests, notice is hereby given that the time for filing quality statements and refund reports under Opinion No. 662 is extended to and including January 4, 1974, for all respondents covered by that opinion.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-24319 Filed 11-14-73; 8:45 am]

[Rate Schedule Nos. 18, etc.]

#### SHELL OIL COMPANY, ET AL.

#### Notice of Rate Change Filings

NOVEMBER 8, 1973.

Take notice that the producers listed in the Appendix attached below have

filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of

the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

#### APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
10-24-73	Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001	18	El Paso Natural Gas Co.	Permian.
10-24-73	do	19	do	Do.
10-24-73	do	20	do	Do.
10-24-73	do	34	do	Do.
10-24-73	do	40	do	Do.
10-24-73	do	41	do	Do.
10-29-73	do	99	Lone Star Gas Co.	Other southwest.
10-29-73	Texas, Inc. P.O. Box 82832, Houston, Tex. 77062	54	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
10-29-73	do	267	do	Do.

[FR Doc.73-24316 Filed 11-14-73; 8:45 am]

[Docket No. RP74-30]

#### TRANSCONTINENTAL GAS PIPE LINE CORP.

#### Notice of Filing of Proposed Increase in Rates and Charges

NOVEMBER 8, 1973.

Take notice that on October 16, 1973, Transcontinental Gas Pipe Line Corporation filed in Docket No. RP74-30 copies of Second Substitute Fifth Revised Sheet No. 5 to its FPC Gas Tariff, First Revised Volume No. 1.

Transco states the above tariff sheet reflects an increase in rates for Transco's Rate Schedule GSS (General Storage Service) to track the rate increase to Transco from Consolidated Gas Supply Corporation, which rate increase is to be made effective subject to refund on December 1, 1973, in Docket No. RP73-107. Transco requests that its proposed tariff sheet herein be permitted to become effective without suspension on December 1, 1973.

Copies of the instant filing were mailed by Transco to its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-24314 Filed 11-14-73; 8:45 am]

[Docket No. E-8465]

#### NEW YORK STATE ELECTRIC AND GAS CORP.

#### Notice of Filing of Initial Rate Schedule

NOVEMBER 9, 1973.

Take notice that on October 31, 1973, New York State Electric and Gas Corporation (NYSE&G) filed, pursuant to § 35.12 of the regulations under the Federal Power Act, as a rate schedule, an agreement with Central Hudson Gas and Electric Corporation (Central Hudson). Service under this agreement is to commence October 28, 1973 and terminate on April 27, 1974.

The agreement provides that NYSE&G shall make available and sell to Central Hudson 50,000 kilowatts of firm capability and associated energy for the specified term. Such energy is to be delivered by NYSE&G at the West Woodbourne Interconnection at 69,000 volts.

For service rendered by New York State Electric and Gas, Central Hudson has agreed to pay a capability charge of \$74.97 per megawatt per day (aggregating \$682,229) plus an energy charge of 7.6 mills per kilowatt hour (aggregating \$1,161,888).

NYSE&G states that the capability charge is based on the production plant fixed costs and operation and maintenance costs for NYSE&G's New York State plants and its Homer City, Pennsylvania plant plus fixed costs on the Pennsylvania portion of the transmission plant associated with the Homer



City Project. The energy charge is represented to be the estimated incremental production cost including an allowance to compensate NYSEG for incremental maintenance and transmission losses on its own system.

NYSE&G also requests that the 30-day filing requirement be waived and that October 28, 1973 be allowed as the effective date of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,  
Acting Secretary.

[FR Doc.73-24449 Filed 11-14-73; 8:45 am]

[Docket No. E-7690]

#### NEPOOL POWER TOOL AGREEMENT

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing; Correction

NOVEMBER 2, 1973.

In FR Doc. 73-20756 appearing at page 27240 in the issue of Monday, October 1, 1973, please insert at the beginning of the procedural dates the following:

Service of testimony and exhibits by NEPOOL November 12, 1973.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-24321 Filed 11-14-73; 8:45 am]

[Docket No. RP74-37-1]

#### UNITED GAS PIPE LINE CO. AND AMERICAN SUGAR CANE LEAGUE OF THE U.S.A., INC.

Notice of Petition for Extraordinary Relief

NOVEMBER 9, 1973.

Take notice that on October 16, 1973, the American Sugar Cane League of the U.S.A., Incorporated (League) filed in United Gas Pipe Line Company, Docket Nos. RP71-29 and RP71-120 a Petition for Extraordinary Relief from curtailment by United Gas Pipe Line Company (United).

The League, comprised of twenty sugar cane processing mills, are seasonal direct purchasers (60 to 80 days between October and December each year), of gas on the United system. Stating that without its supply of natural gas, a major part of this year's crop will be irreparably lost, the League seeks an order excluding its mills from any gas curtailment during the present season (October through De-

cember 1973). The League further states that its mills do not have present alternative fuel capabilities.

A shortened notice period in this matter will be in the public interest.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before November 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. 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 filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-24450 Filed 11-14-73; 8:45 am]

#### FEDERAL RESERVE SYSTEM CHASE MANHATTAN CORPORATION Order Approving Acquisition of Bank

The Chase Manhattan Corporation, New York, N.Y., 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 100 percent of the voting shares (less directors' qualifying shares) of Chase Manhattan Bank of Northern New York (National Association), Canton, New York, successor by merger to The First National Bank of Canton, Canton, New York (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the 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, the largest banking organization in New York in terms of domestic deposits, controls six subsidiary banks with aggregate deposits of approximately \$16.9 billion, representing 15.9 percent of the total domestic deposits in commercial banks in the State.<sup>1</sup> Con-

<sup>1</sup> All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through September 30, 1973.

summation of the proposal would not significantly increase Applicant's share of deposits in the State. The proposed acquisition represents Applicant's initial entry into the Fifth Banking District in New York State.

Bank (\$12.1 million in deposits) is the fifth largest of 12 banks in the St. Lawrence County banking market and controls about 7 percent of the deposits in that market. The nearest office of one of Applicant's banking subsidiaries is in Syracuse, approximately 144 road miles from Canton, and there is no significant existing competition between their offices or between Bank and any other of Applicant's subsidiaries. Moreover, it is unlikely that any substantial amount of competition would develop in the future. Under existing New York law, Applicant's subsidiaries are prohibited until January 1, 1976, from branching into the market. In addition, it appears unlikely that Applicant would establish a new bank in the market since population and economic growth in the market have been relatively stagnant and the ratio of population to banking offices in the market is significantly lower than that in the State. Applicant's entry through acquisition of one of the market's six unit banks should provide the market with a more immediate source of competition for the largest banks and lead to a reduction in the market's high concentration of deposits (the four largest banks control 78 percent). Several other independent banks will remain in the market, so barriers to entry would not be raised by the acquisition. Consummation of the proposed acquisition will accordingly not have any adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are satisfactory and consistent with approval. There is no evidence that the banking needs of the communities involved are not being adequately met at present. However, Applicant proposes to provide, through Bank, an alternative source of specialized banking needs and to revitalize and expand the range of services offered by Bank. Therefore, considerations relating to convenience and needs of the communities to be served lend slight weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

Applicant owns two nonbanking subsidiaries, Berkeley Service Corporation, Boston, Massachusetts, and Dovenmuehle, Inc., Chicago, Illinois, which were acquired on June 4, 1969, and December 19, 1969, respectively. Berkeley Service Corporation is a service agency for the Shapiro Factors Division of The Chase Manhattan Bank, and Dovenmuehle, Inc., is a mortgage servicing company.

In making its determination herein, the Board has relied upon a finding that



the combination of an additional subsidiary bank with Applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, Applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require Applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of Applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (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 New York pursuant to delegated authority.

By order of the Board of Governors,\* effective November 5, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc. 73-24349 Filed 11-14-73; 8:45 am]

#### SOUTHWEST BANCSHARES, INC.

##### Proposed Acquisition of Certain Mortgage Banking Activities of Bank of the Southwest

Southwest Bancshares, Inc., Houston, Texas, 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 through its subsidiary, Southwest Bancshares Mortgage Company, Houston, Texas, certain mortgage banking assets of its wholly-owned banking subsidiary, Bank of the Southwest National Association, Houston, Texas. Notice of the application was published on October 10, 1973, in *The Houston Chronicle*, a newspaper circulated in Houston, Texas.

Southwest Bancshares Mortgage Company would engage directly in the activities of servicing real estate loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a

hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

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 December 4, 1973.

#### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

NOVEMBER 7, 1973.

[FR Doc. 73-24347 Filed 11-14-73; 8:45 am]

#### UNION BANCORP, INC.

##### Order Approving Formation of Bank Holding Company and Acquisition of Union-america Leasing Corp. and Union-america Computer Corp.

Union Bancorp, Inc., Los Angeles, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares of Union Bank, Los Angeles, California ("Bank").

At the same time, Applicant 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 engage in full-payout leasing activities and electronic data processing activities through the acquisition, respectively of Unionamerica Leasing Corporation ("Leasing") and Unionamerica Computer Corporation ("Computer"), both of Los Angeles, California. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6) and (8)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (38 FR 19718). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, recently organized for the purpose of becoming a bank holding company, has no business activities and no operating history. The proposed transactions are part of a plan of reorganization whereby Unionamerica, Inc., Los Angeles, California, the present parent corporation of Bank, Computer and Leasing, proposes to separate its banking and permissible nonbanking ac-

tivities from its other nonbanking activities.

Bank, with deposits of \$2.7 billion, is the sixth largest commercial bank in California, controlling approximately 4 percent of total deposits in commercial banks in the State. (Banking data are as of June 30, 1973.) On the record herein, the Board concludes that consummation of the proposal would not eliminate any existing or potential competition, increase the concentration of banking resources, nor have an adverse effect on the other banks in any relevant area.

The management, financial condition and prospects of Bank are regarded as generally satisfactory. The management of Applicant is essentially the same as that of Bank, and the financial condition of Applicant, which will depend, at least initially, largely upon that of Bank, appears to be satisfactory. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed acquisition of Bank would be consistent with the public interest, and that the application to acquire Bank should be approved.

Leasing, which was organized de novo by Unionamerica, engages in the activity of leasing personal property or equipment, or acting as agent, broker, or adviser in leasing such property, where the lessor recovers its full acquisition cost during the initial term of the lease from (1) rentals, (2) estimated tax benefits, and (3) estimated salvage value. Leasing has primarily engaged in acting as agent, broker or adviser in arranging such full-payout lease transactions and, as of December 31, 1972, its gross revenues were only \$1.5 million. In view of Leasing's limited business activity and the fact that Applicant's acquisition of Leasing is part of a corporate reorganization, it does not appear that any existing or potential competition would be eliminated upon acquisition of Leasing.

Computer, which was originally a division of Bank, had gross revenues of approximately \$4.5 million as of December 31, 1972. Computer is primarily engaged in providing data processing services to Bank. Upon consummation of this proposal, Computer shall limit its activities to: (1) Electronically processing banking, financial and related economic data, including the development of computer programs therefor; (2) making excess computer time available by furnishing its data processing facility and necessary operating personnel to persons who wish to utilize such time; (3) selling byproducts resulting from the development of programs pertaining to the processing of banking, financial and related economic data; and (4) providing any data processing service upon request of a customer if such service is not otherwise reasonably available in the relevant market. Due to Computer's limited activities and recognizing that Applicant's acquisition of Computer is part of a corporate reorganization, the Board concludes that acquisition of Computer

\* Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell and Bucher.



by Applicant would not eliminate any existing or potential competition.

There is no evidence in the record indicating that consummation of the proposals to acquire Computer or Leasing would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects upon the public interest. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of public interest factors that the Board is required to consider regarding the acquisition of Leasing and Computer under section 4(c)(8) are favorable and that the application should be approved.

As part of its consideration of the instant application, the Board has also considered the plan of divestiture ("plan") adopted by Unionamerica, Inc., in order to terminate its status as a bank holding company in accordance with the irrevocable declaration filed, pursuant to § 225.4(d) of Regulation Y, by Unionamerica that it would cease to be a bank holding company by January 1, 1981. The plan includes the transfer of Bank, Computer and Leasing to Applicant, and thereafter the transfer of all of Unionamerica's remaining assets, including less than 5 percent of the voting shares of Applicant, to a new corporation to be named New Unionamerica. As part of the plan of divestiture, Unionamerica has submitted documents dated May 14, July 23, August 28, October 4 and October 8, 1973, to the Board that contain facts and assurances and make certain commitments that provide essentially as follows:<sup>1</sup>

1. A commitment by Applicant and Bank that neither corporation will control or exert a controlling influence or attempt to control or exert a controlling influence over New Unionamerica or any of its subsidiaries through interlocking officer, director or policy-making employee relationships or in any other manner.

2. A commitment by New Unionamerica with respect to Applicant and all of its subsidiaries substantially similar to the commitment in paragraph 1.

3. A commitment by Applicant and Bank that neither corporation and all of its subsidiaries and the respective officers, directors and policymaking employees of Applicant and all of its subsidiaries, and the spouses and minor children of such officers, directors and policymaking employees, or any combination of such persons, will not, in the aggregate, own, control or hold with power to vote, directly or indirectly, 25 percent or more of the outstanding voting shares of New Unionamerica.

<sup>1</sup> The facts, assurances and commitments contained in the documents submitted by Unionamerica are set forth in more detail in the Board's letter of today's date to Applicant. The contents of the Board's letter, as well as the contents of the documents described in the Board's Order and letter, are specifically incorporated into this Order by reference.

4. A commitment by New Unionamerica on behalf of itself and all of its subsidiaries with respect to voting shares of Applicant, substantially similar to the commitment in paragraph 3.

5. A commitment by Applicant and Bank that Applicant and all of its subsidiaries will not, in the aggregate, own, control or hold with power to vote, directly or indirectly, 5 percent or more of the outstanding voting shares of New Unionamerica and that neither Applicant nor any of its subsidiaries will, after the effective date of the plan, acquire any shares of New Unionamerica.

6. A commitment by New Unionamerica on behalf of itself and all of its subsidiaries with respect to shares of Applicant substantially similar to the commitment in paragraph 5.

7. A commitment by Applicant, Bank, and New Unionamerica that, with the exception of Mr. R. H. Volk, the proposed president and a proposed director of New Unionamerica, who also plans to serve as a director of Applicant and Bank, and Dr. H. Craven, who plans to serve as an economist for both Bank and a subsidiary of New Unionamerica, there will be no interlocking personnel relationships between New Unionamerica or any of its subsidiaries and Applicant or any of its subsidiaries.

8. An affidavit from Mr. R. H. Volk which states that in acting as a director of Applicant and Bank: He will not be acting pursuant to an agreement with or under instructions from New Unionamerica and he has not been instructed by Applicant or Bank to take any such instruction from New Unionamerica; he will not be subject to control by New Unionamerica; he will not represent the interests of New Unionamerica; and he will make substantially similar statements with respect to UB and Bank with regard to his service as president and a director of New Unionamerica. Mr. R. H. Volk's affidavit also states that in serving as a director of Applicant, New Unionamerica and Bank, he will abstain from voting upon any matter to be acted upon by the board of directors of any of those corporations which involves a conflict of interest with any other of such corporations.

Notwithstanding the above-mentioned facts, assurances and commitments, the Board is concerned that Applicant may be able to control or exert a controlling influence over New Unionamerica or New Unionamerica may be able to control or exert a controlling influence over Applicant. After the effective date of the plan, New Unionamerica will own slightly less than 5 percent of the voting shares of Applicant and Applicant will own, indirectly, approximately 2 percent of the voting shares of New Unionamerica, and, indirectly, Applicant will hold in a fiduciary capacity approximately an additional 3 percent of the voting shares of New Unionamerica. Mr. R. H. Volk, the president and a director of Unionamerica, and a director of Bank, plans to become the president and a director of New Unionamerica, a director of Applicant, and remain a director of Bank.

Fifteen other former directors of Unionamerica will also serve on Applicant's eighteen-member board of directors. Applicant, Bank and New Unionamerica will all be located in the same office building. Further, there are longstanding and close associations as well as common interests between Applicant's proposed subsidiaries and New Unionamerica's proposed subsidiaries. In view of these and other facts of record, the Board regards the interlocking personnel relationship involving Mr. R. H. Volk as being inconsistent with an effective separation of banking and nonbanking interests as required by the Act. However, in view of the size of both Applicant and New Unionamerica, and the fact that Unionamerica is taking significant action to separate its banking from its nonbanking interests in advance of the January 1, 1981, deadline provided in its irrevocable declaration, the Board concludes, on the basis of the particular facts of this case, that Mr. R. H. Volk's service for New Unionamerica and for Applicant (and Bank) for a reasonable transitional period of time does not preclude a Board determination of an effective separation of banking and nonbanking interests and does not preclude approval of the transactions herein, provided that Mr. R. H. Volk terminates his service as an officer, director or policy-making employee of Applicant and all of its subsidiaries or of New Unionamerica and all of its subsidiaries as soon as practicable, but not later than January 1, 1977.

Accordingly, on the basis of the facts of record and for the reasons summarized above, the applications to acquire Bank, Leasing, and Computer are approved subject to all of the referenced facts, assurances, and commitments contained herein and subject to the further condition that Mr. R. H. Volk cease to serve as an officer, director or policy-making employee of Applicant and all of its subsidiaries or New Unionamerica and all of its subsidiaries not later than January 1, 1977. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) shall be acquisition of Bank, Computer, or Leasing be made 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 San Francisco pursuant to delegated authority. The determinations as to Leasing and Computer's activities are subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and 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. Moreover, the Board's findings and action herein are subject to amendment, revocation, or



nullification by the Board should it conclude that Applicant or any of its subsidiaries exercises control or a controlling influence over New Unionamerica or any of its subsidiaries or that New Unionamerica or any of its subsidiaries exercises control or a controlling influence over Applicant or any of its subsidiaries.

By order of the Board of Governors,\* effective November 7, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.

[FR Doc.73-24350 Filed 11-14-73;8:45 am]

#### UNITED BANKS OF COLORADO, INC. Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, 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 First State Bank of Fountain, Fountain, Colorado. 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 Kansas City. 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 December 4, 1973.

Board of Governors of the Federal Reserve System.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

NOVEMBER 7, 1973.

[FR Doc.73-24348 Filed 11-14-73;8:45 am]

#### GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order No. 112]

#### PORTION OF FORMER CAMP ADAIR BENTON COUNTY, OREGON

##### Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By a deed from the United States of America dated October 16, 1973, the property known as a portion of the former Camp Adair, Benton County, Oregon, consisting of 38.96 acres of unimproved land, and more particularly described in said deed, has been conveyed to the Oregon State Game Commission.

2. The above described property was transferred for Wildlife purposes in ac-

\* Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Bucher and Holland. Absent and not voting: Governor Sheehan.

cordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b).

Dated: November 9, 1973.

L. F. ROUSH,  
Commissioner,  
Public Buildings Service.

[FR Doc.73-24379 Filed 11-14-73;8:45 am]

#### INTERNATIONAL JOINT COMMISSION UNITED STATES AND CANADA

##### POSSIBLE SOLUTIONS TO CERTAIN PROBLEMS FACING POINT ROBERTS

##### Notice of Public Hearings

The International Joint Commission, a permanent United States and Canadian body established under the Boundary Waters Treaty of 1909, will hold public hearings at the times and places noted below on possible solutions to the problems facing the residents of Point Roberts.

In 1971 the Governments of the United States and Canada requested the International Joint Commission to investigate and recommend measures to alleviate certain conditions of life of residents of Point Roberts, Washington, existing by reason of the fact that the only connection by land between Point Roberts and other territory of the United States is through Canada. To undertake this study, the Commission appointed the International Point Roberts Board. The Board has recently completed its study and has submitted its final report to the Commission entitled "Report to the International Joint Commission on Solutions to the Problems Facing the Residents of Point Roberts". The report is being distributed to interested individuals, organizations and government agencies. Copies may be obtained upon request by writing to the International Joint Commission in either Washington or Ottawa at the addresses noted below. Also, the Report and Appendix "B" thereto, "An Inventory of International Park Possibilities" are being made available for inspection in the United States at libraries throughout the study area.

The findings, conclusions, and recommendations in the report are those of the International Point Roberts Board, and are not to be construed as the final views of the Commission.

The purpose of these hearings is to receive testimony and evidence relating to the final report of the Board. The Commission's hearings are international in nature and irrespective of the location in which they are being held, the citizens of both the United States and Canada are invited to attend and participate. Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in the preparation of its report to the Governments of the United States and Canada on solutions to the problems facing Point Roberts.

At the hearings, statements may be presented orally or in writing. If written statements are submitted, it is requested that, if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and others present.

##### TIMES AND PLACES OF HEARINGS

December 4, 1973, 10:00 a.m. Local Time.	The Breakers, Point Roberts, Washington.
December 5, 1973, 2:00 p.m. Local Time, 7:30 p.m. (evening hear- ing).	British Room, Hotel Vancouver, Vancou- ver, British Colum- bia.
December 6, 1973, 11:00 a.m. Local Time.	Newcombe Auditorium, Provincial Museum, Victoria, British Co- lumbia.
December 7, 1973, 10:00 a.m. Local Time.	Conference Room 1021 Arcade Plaza Build- ing, 1321 Second Avenue, Seattle, Washington.

WILLIAM A. BULLARD,  
Secretary, United States Section  
International Joint Commission.  
D. G. CHANCE,  
Secretary, Canadian Section  
International Joint Commission.

NOVEMBER 7, 1973.

[FR Doc.73-24389 Filed 11-14-73;8:45 am]

#### POINT ROBERTS

##### Notice of Public Hearings

NOVEMBER 7, 1973.

The Commission has arranged for the following additional hearing since compiling the FR Doc. 73-24389 also carried in this issue. Please insert under "Times and Places of Hearings" the following:

December 3, 1973, 3:00 p.m. Local Time.	Lecture Hall 4, Western Washington State College, Bellingham, Washington.
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Please consider this document as an official amendment to the Notice of Public hearings on possible solutions to certain problems facing Point Roberts, dated November 7, 1973.

WILLIAM A. BULLARD,  
Secretary,  
United States Section.

[FR Doc.73-24388 Filed 11-14-73;8:45 am]

#### SECURITIES AND EXCHANGE COMMISSION

##### LEASCO CORP.

##### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 7, 1973.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading



privileges in the preferred stock of the following company, which security is listed and registered on one or more other national securities exchanges: LEASCO Corporation (Cumulative Preferred), File No. 7-4505, \$2.60 Cumulative Preferred, Series C.

Upon receipt of a request, on or before November 23, 1973 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24335 Filed 11-14-73; 8:45 am]

#### ACME FUND, INC.

##### Notice of Filing of Application; Correction

The first sentence of the third paragraph of Investment Company Act Release No. 8035, issued October 16, 1973, should read "Applicant represents that pursuant to a Plan and Agreement of Reorganization adopted by its shareholders at a special meeting held on April 11, 1973, it has transferred substantially all of its assets to The Burnham Fund (Burnham), an open-end investment company registered under the Act, in exchange for 94,956.925 shares of Burnham, which it has distributed to its shareholders in liquidation."

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24331 Filed 11-14-73; 8:45 am]

[812-3528]

#### ANCHOR SPECTRUM FUND INC. ET AL.

##### Notice of Filing of Application for Exemption

NOVEMBER 6, 1973.

In the matter of Anchor Spectrum Fund, Inc., Anchor Capital Fund, Inc., Anchor Venture Fund, Inc., Westminster at Parker, Elizabeth, New Jersey 07207.

Notice is hereby given that Anchor Spectrum Fund, Inc. (Spectrum), Anchor Capital Fund, Inc. (Capital), and Anchor Venture Fund, Inc. (Venture) (hereinafter collectively referred to as "Applicants"), all registered under the Investment Company Act of 1940 (Act)

as diversified, open-end management investment companies, have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed merger of Capital into Spectrum and the proposed merger of Venture into Spectrum as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Spectrum, a Maryland corporation, is, at present, a wholly-owned subsidiary of the Anchor Corporation (Anchor) which is the investment adviser to, and principal underwriter for, each of the Applicants. Anchor purchased 25,000 shares of Spectrum for \$100,000 in cash on August 7, 1973. The same individuals serve as directors and officers for each of the Applicants except that Venture has one additional vice president. The principal officers of Anchor hold the same or similar offices with each of the Applicants.

Capital and Venture have each entered into an Agreement and Plan of Merger (the "Agreements") with Spectrum providing, respectively, for the merger of Capital into Spectrum and the merger of Venture into Spectrum with Spectrum being the surviving fund in each case. Applicants are proceeding on the opinion of counsel that the proposed mergers will constitute tax-free reorganizations and that no gain or loss will be recognized by the Applicants or their shareholders as a result of the mergers.

Approval of the Agreements by the respective shareholders of Capital and Venture is a condition precedent to the consummation of the mergers. If the Agreements are approved, it is anticipated that the mergers will become effective on December 31, 1973. Neither merger is in anyway dependent on the consummation of the other merger. Spectrum will succeed to all the assets and liabilities of both Capital and Venture if both mergers are consummated.

Just prior to the effective date of the mergers, Capital and Venture will each pay a dividend to their respective shareholders of any net income existing in each fund on that date. On the effective date of the mergers, the outstanding shares of Capital and Venture will be converted into shares of Spectrum based on the basis of the relative net asset values of each fund on such date.

As of August 31, 1973, Capital had a tax loss carry forward of \$17,440,000, and Venture had a tax loss carry forward of \$1,363,000. In addition to the tax loss carry forwards, both Capital and Venture have large amounts of net unrealized depreciation on the securities in their portfolios. No adjustment in the bases of exchange will be made as a result of such tax losses or net unrealized depreciation.

If the mergers had been consummated on August 31, 1973, the shareholders of Capital would have received 80.6 percent of the total shares of Spectrum issued for the shares of Capital and Venture,

and the shareholders of Venture would have received the remaining 19.4 percent.

Applicants state that since the boards of directors of Applicants are identical and the officers of the Applicants are virtually identical, Applicants might be deemed to be under "common control" and each of the Applicants might be deemed an "affiliated person" of each of the other Applicants under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants assert that recent market conditions have made it increasingly difficult for either Capital or Venture to achieve their investment objectives in accordance with their respective policies and that a greater opportunity for success exists under the total return investment objective and policies of Spectrum. Applicants state that, in view of precipitous declines in the net asset values of Capital and Venture in the first six months of 1973, the board of directors of each fund deem it to be in the best interest of their shareholders to merge into Spectrum in order to take advantage of Spectrum's flexible investment policies, corporate entity, and new name.

Applicants represent that Anchor has agreed with Capital and Venture that Anchor will pay all the organizational expenses of Spectrum, the expense of registering its shares under the Securities Act of 1933, all incremental expenses of printing and mailing proxy material to the shareholders of Capital and Venture over and above the customary expenses which each fund would incur in holding its annual meeting, and all other expenses attributable to the mergers.

Applicants represent that the transactions are fair and reasonable and do not involve overreaching on the part of any person concerned and that the transactions are consistent with the policy of each fund and the general purposes of the Act. Based on the foregoing, Applicants request orders of exemption from section 17(a) pursuant to section 17(b) of the Act to permit the following: (1) The merger of Capital into Spectrum, subject to the condition that the merger is approved by the requisite majority of votes cast at a meeting of the shareholders of Capital held prior to the consummation date of the proposed merger; and (2) the merger of Venture into Spectrum,



subject to the condition that the merger is approved by the requisite majority of votes cast at a meeting of the shareholders of Venture held prior to the consummation date of the proposed merger.

Notice is further given that any interested person may, not later than November 30, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[PR Doc.73-24327 Filed 11-14-73; 8:45 am]

#### BAUSCH & LOMB, INC., ET AL.

##### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing NOVEMBER 7, 1973.

In the matter of application of the Detroit State Exchange.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Bausch & Lomb, Inc.	7-4509
Disney (Walt) Productions	7-4510
Grant (W. T.) Company	7-4511
Guardian Industries	7-4512
Levitt Furniture Corp.	7-4513
Pitney Bowes, Inc.	7-4514
Ponderosa System, Inc.	7-4515
Ramada Inns, Inc.	7-4516
Winnebago Industries, Inc.	7-4517

Upon receipt of a request, on or before November 23, 1973, from any interested persons, the Commission will determine

whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[PR Doc.73-24326 Filed 11-14-73; 8:45 am]

[812-3508]

#### NORTHWESTERN MUTUAL LIFE INSURANCE CO. AND NML FUND, INC.

##### Notice of Application for Exemption

Notice is hereby given that NML Fund, Inc. (the "Fund"), a diversified, open-end management investment company registered under the Investment Company Act of 1940 (the "Act"), and The Northwestern Mutual Life Insurance Company (NML), a mutual life insurance company organized by a special act of the Wisconsin legislature (hereinafter referred to collectively as "Applicants"), have filed an application pursuant to section 17(b) of the Act for an order exempting the sale of the assets of NML Variable Annuity Account A (Account A), a separate investment account of NML, to the Fund in exchange for shares of the common stock of the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that Account A is a separate account of NML which was established in connection with the sale of certain tax-qualified variable annuity contracts and that it is exempted from the definition of "investment company" contained in the Act by virtue of section 3(c) (1) of the Act. The Finance Committee of the Board of Trustees of NML is responsible for the investment policies of Account A. Shares of the Fund are offered at net asset value, and all are owned by NML and are allocated to its general account and its separate accounts. The Fund's investment adviser is a wholly-owned subsidiary of a wholly-owned subsidiary of NML, and NML is a party to the advisory contract. NML is, therefore, an affiliated person of the Fund.

NML proposes to transfer all of the assets of Account A to the Fund in exchange for Fund shares. Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of, or principal underwriter for, a registered investment company, or any affiliated person of such a person or principal underwriter, acting as a principal, from knowingly selling any security or other property to or purchasing any security or other property from such investment company. Section 17(b) of the Act, provides that the Commission may exempt a proposed transaction from section 17(a) of the Act, if the evidence establishes that: (1) The terms of the transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and (3) the transaction is consistent with the general purposes of the Act.

Applicants request an exemption from section 17(a) of the Act to the extent necessary to permit the proposed transaction. The terms of the transaction have been approved by the boards of directors of the Fund and its investment adviser and by the Finance Committee of the Board of Trustees of NML. Determination of the number of shares of the Fund to be exchanged for the assets of Account A will be made by dividing the value of the assets of Account A as of the close of trading of the New York Stock Exchange on the date of the transfer by the net asset value per share of the Fund as of the same time and date. Applicants state that the procedures for valuing the assets of the Fund and of Account A are identical and that the assets of both have readily ascertainable fair market values because they consist of cash, common stocks which are listed on the New York Stock Exchange, and securities which are traded over-the-counter in an active market. Applicants believe, on the basis of an opinion of counsel, that neither the Fund nor Account A will incur any tax liability as a result of the proposed transaction, but, should there be any such liability, NML will bear it. Applicants state that so long as the assets of Account A are invested in the Fund, Account A will not be charged any management fee.

Applicants state that the investment objectives of the Fund and Account A are the same and that their respective investment policies and restrictions are compatible.

Applicants contend that the requested exemption should be granted because investment by Account A in Fund shares will result in all of the advantages associated with management of a single, larger portfolio and that while such combination could be achieved without violating section 17(a) of the Act by the sale of Account A's assets for cash and the purchase of Fund securities with such cash, the proposed exchange of portfolio



securities and cash of Account A for shares of the Fund would avoid the brokerage commissions which would be incurred by both parties if Account A was to sell its portfolio securities and invest the proceeds in shares of the Fund and if the Fund was then to invest such proceeds in portfolio securities.

Notice is further given that any interested person may not later than November 30, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of Service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24330 Filed 11-14-73;8:45 am]

[File No. 20-1826A5]

#### OLYMPIC PETROLEUM CORP.

#### Temporary Suspension Order and Notice of Opportunity for Hearing

NOVEMBER 6, 1973.

In the matter of an offering sheet filed by Olympic Petroleum Corporation (File No. 20-1826A5), on March 26, 1973, covering non-producing working interests in the Olympic Petroleum Corporation—#2 Lloyd M. Wiggins. Olympic Petroleum Corporation having filed an offering sheet on March 26, 1973, with the Securities and Exchange Commission pursuant to Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet, that:

1. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rules 310 (a) and 310(b) of Regulation B in that

offeror offered and sold fractional undivided interests in #2 Lloyd M. Wiggins prior to the filing of an offering sheet relating to said fractional undivided interest in No. 2 Lloyd M. Wiggins and prior to the effective date of any offering sheet relating to said property.

2. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 310 (d) of Regulation B in that the offeror sold interests in No. 2 Lloyd M. Wiggins and accepted money for said interest without delivering to those persons who bought the interest 48 hours before the sale, a copy of the offering sheet.

3. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and 330(b) of Regulation B in that the offering sheet failed to disclose that fractional undivided interests in #2 Lloyd M. Wiggins had been offered for sale and that certain fractional undivided interests had been sold prior to the effective date of the offering sheet.

4. No exemption is available for this offering under Regulation B because the offeror failed to comply with 330(a) and 330(b) of Regulation B in that the offering sheet failed to disclose that:

(a) Mr. William R. Cook is in fact the sole owner and control person of Olympic Petroleum Corporation;

(b) Mr. William R. Cook and Texas Continental Oil Company, an organization owned by Cook, were enjoined by the U.S. District Court for the Northern District of Texas, Dallas Division, on September 25, 1970 from further and future violations of the Securities registration and antifraud provisions of the Federal Securities laws.

5. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316(a) of Regulation B in that it failed to file reports of sales on Form 1-G, reporting sales of interests in #2 Lloyd M. Wiggins.

It is ordered, pursuant to Rule 334(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under Section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered that each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

For the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Acting Secretary.

[FR Doc.73-24325 Filed 11-14-73;8:45 am]

#### DEN-TAL-EZ, INC.

#### Application for Unlisted Trading Privileges and Opportunity for Hearing

NOVEMBER 7, 1973

In the matter of application of PBW Stock Exchange, Inc.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

[DEN-TAL-EZ, Inc., File No. 7-4518.]

Upon receipt of a request, on or before November 23, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24334 Filed 11-14-73;8:45 am]

#### DUN & BRADSTREET COMPANIES, INC.

#### Application for Unlisted Trading Privileges and Opportunity for Hearing

NOVEMBER 7, 1973.

In the matter of PBW Stock Exchange, Inc.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:



Dun & Bradstreet Companies, Inc., File No. 7-4504

Upon receipt of a request, on or before November 23, 1973, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24333 Filed 11-14-73; 8:45 am]

#### RAINIER FUND, INC.

##### Notice of Proposal To Terminate Registration; Correction

On October 18, 1973, a notice was issued (Investment Company Act Release No. 8039) stating that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Rainier Fund, Inc. (Fund), has ceased to be an investment company as defined in the Act. This notice incorrectly listed the Fund's registration number under the Act as 811-1857. The correct registration number is 811-2238.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24329 Filed 11-14-73; 8:45 am]

[File No. 500-1]

#### TELEPROMPTER CORP.

##### Notice of Suspension of Trading

NOVEMBER 5, 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 November 6, 1973, through November 15, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24332 Filed 11-14-73; 8:45 am]

[811-2241]

#### URBAN EQUITIES FUND, INC.

##### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Urban Equities Fund, Inc. (Applicant), a Massachusetts corporation registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant has requested withdrawal of its registration statement on Form S-5 under the Securities Act of 1933 which it filed on November 19, 1971, and which has never become effective. Applicant represents that none of its securities have ever been offered or sold to the public. Applicant further represents that it is a dormant corporation engaging in no business activities and is filing for dissolution pursuant to the laws of the Commonwealth of Massachusetts.

Section 3(c) (1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than December 5, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secre-

tary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.73-24328 Filed 11-14-73; 8:45 am]

#### TARIFF COMMISSION

[TEA-W-216]

#### P. AND D. MANUFACTURING DIVISION, BENDIX CORP.

##### Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962, on behalf of the former workers of the P. and D. Manufacturing Division, Long Island City, New York, of the Bendix Corp., Southfield, Michigan, the United States Tariff Commission, on November 9, 1973, instituted an investigation under section 301(c) (2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with rotors; distributor points and caps; electrical capacitors, relays and switches; and control stick grips for helicopters (of the types provided for in items 683.60, 683.61, 685.80, 685.81, 685.90, 685.91, and 694.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before November 26, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commis-



sion, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: November 12, 1973.

KENNETH R. MASON,  
Secretary.

[FR Doc.73-24390 Filed 11-14-73; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 386]

### ASSIGNMENT OF HEARINGS

NOVEMBER 12, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11905, Caltran Systems, Inc.—Control—Terminal Transportation Company, and Maat's Trucking Co., Inc., and FD 27403, Caltran Systems, Inc., Notes, now assigned November 26, 1973, at Washington, D.C., is cancelled and transferred to modified procedure.

MC-32166 Sub 8, Bronaugh Motor Express, Inc., now assigned November 26, 1973, will be held in the Holiday Inn—North, I-75 and Newton Pike, Lexington, Ky.

MC-112304 Sub 65, Ace Doran Hauling & Rigging Co., now assigned December 3, 1973, will be held in Room 228 Federal Bldg., 65 Marconi Blvd., Columbus, Ohio.

MC 107839 Sub 149, Denver-Albuquerque Motor Transport, Inc., and MC 113678 Sub 477, Curtis, Inc., continued to January 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-121142 (Sub-No. 11), J. & G. Express, Inc., now assigned December 3, 1973, will be held in Room 408, U.S. Post Office Bldg., Capitol & SW. Street, Jackson, Mississippi.

MC 107515 Subs 847 and 857, Refrigerated Transport Co., Inc., now assigned December 3, 1973, at Charlotte, N.C., will be held at the Public Library, Bryan Room, 310 North Tryon Street.

MC 228 Sub 73, Hudson Transit Lines, Inc., now assigned January 14, 1974, at New York, N.Y., is postponed indefinitely.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-24416 Filed 11-14-73; 8:45 am]

[Notice 389]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 5, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matter relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74680. By order entered November 9, 1973, the Motor Carrier Board approved the transfer to Patrick J. Wedrick, doing business as Rid Columbia Hauling Co., White Salmon, Wash., of the operating rights set forth in Certificate No. MC-108240, issued November 7, 1950, to C. L. Wedrick, doing business as Mid Columbia Hauling Co., White Salmon, Wash., authorizing the transportation of lumber, lumber mill products, wooden shingles, lath, and box shooks, heavy logging machinery, and forest products, from, to, or between specified points and places in Oregon and Washington. Florence H. Wedrick, P.O. 956, White Salmon, Wash. 98672, representative for applicants.

No. MC-FC-74772. By order entered November 9, 1973, the Motor Carrier Board approved the transfer to Campbell's Auto Express, a corporation, Pitman, N.J., of the operating rights set forth in Certificates Nos. MC-109 and MC-109 (Sub-No. 2), issued by the Commission June 1, 1949, and September 26, 1969, respectively, to Louis G. Hannum, doing business as Campbell's Auto Express, Pitman, N.J., authorizing the transportation of general commodities, except those of unusual value, dangerous explosives, liquors, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., and Clayton, N.J., over specified routes, serving certain intermediate and off-route points; and phonograph records, phonograph record jackets, sleeves, labels, and label paper, phonographs, phonograph machinery parts, sound recording tapes,

and printed matter relating to the foregoing commodities, between the plant-site of CBS Records, a division of Columbia Broadcasting System, at Pitman, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and the District of Columbia, Raymond A. Thistle, Jr., Suite 1012 Four Penn Center Plaza, Philadelphia, Pa. 19103, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-24418 Filed 11-14-73; 8:45 am]

[Notice 154]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 12, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 252 TA), filed October 29, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from the plantsites and warehouse facilities of Michigan Lloyd J. Harris Pie Company at or near Saugatuck and Holland, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Virginia, and



West Virginia, for 180 days. **RESTRICTION:** Restricted to traffic originating at the plantsites and warehouse facilities of Michigan Lloyd J. Harriss Pie Company. **SUPPORTING SHIPPER:** Michigan Lloyd J. Harriss Pie Company, 350 Culver Street, Saugatuck, Mich. 49453. **SEND PROTESTS TO:** District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 30319 (Sub-No. 144 TA), filed October 29, 1973. Applicant: **SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA**, 7600 South Central Expressway, Dallas, Tex. 75216, and Mailing: 9 Main Street, San Francisco, Calif. 94115. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Palestine, Tex. and the plantsite of Aluminum Company of America located northeast of Palestine, Tex., near U.S. Highway 79 as follows: From Palestine, Tex. over U.S. Highway 79 to its intersection with access roads located northeast of Palestine, Tex., thence over the said access roads to the plantsite of Aluminum Company of America and return over the same route, serving no intermediate points, for 180 days.

**NOTE.**—Applicant proposes to tack and to coordinate the proposed additional services with all services now authorized in interstate and foreign commerce as set forth in unrestricted Certificate No. MC 30319 (Sub 133). Applicant also intends to tack its authority. **SUPPORTING SHIPPER:** Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, Pa. 15219. **SEND PROTESTS TO:** Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 19C12, Dallas, Tex. 75202.

No. MC 50069 (Sub-No. 472 TA), filed October 31, 1973. Applicant: **REFINERS TRANSPORT & TERMINAL CORPORATION**, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Herman L. Essig, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils*, in bulk, in tank vehicles, restricted to traffic having an immediate prior movement by rail, from Rushville, Ind., to New Castle, Ind., for 180 days. **SUPPORTING SHIPPER:** Witco Chemical Corp., Central Region, Bradford, Pa. 16701. **SEND PROTESTS TO:** Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office

Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 78687 (Sub-No. 39 TA), filed October 30, 1973. Applicant: **LOTT MOTOR LINES, INC.**, 118 Monell Street, Penn Yan, N.Y. 14527. Applicant's representative: E. Stephen Heisley, 666 Eleven Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt Products*, from the facilities of Morton Salt Company, Milo, N.Y., to points in Morris, Sussex, Warren, Somerset, and Hunterdon Counties, N.J. and Lycoming, Union, Lackawanna, Luzerne, Schuylkill, Fayette, Greene, Washington, and Westmoreland Counties, Pa., for 180 days. **SUPPORTING SHIPPER:** Edward J. Connolly, Eastern Region Traffic Manager, Morton Salt Co. (Division of Morton-Norwich Products), 939 N. Delaware Avenue, Philadelphia, Pa. 19123. **SEND PROTESTS TO:** Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd. West, Syracuse, N.Y. 13202.

No. MC 87720 (Sub-No. 150 TA) (**CORRECTION**), filed September 17, 1973, published in the *FEDERAL REGISTER* issue of October 5, 1973, and republished as corrected this issue. Applicant: **BASS TRANSPORTATION CO., INC.**, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and chain grocery, hardware and drug stores, in containers, and *materials and supplies* (except in bulk), used in the manufacture and distribution of such commodities for the account of American Home Products Corporation, between Atlanta, Ga. Commercial Zone and the Boyle-Midway plant located at or near Chamblee and Doraville, Ga., for 180 days. **RESTRICTION:** Restricted under a continuing contract or contracts with American Home Products Corporation. **SUPPORTING SHIPPER:** American Home Products Corporation, 685 Third Avenue, New York, N.Y. 10017. **SEND PROTESTS TO:** Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

**NOTE.**—The purpose of this republication is to redescribe the territory description as between Atlanta, Ga. Commercial Zone and the Boyle-Midway plant located at or near Chamblee and Doraville, Ga., in lieu of between Atlanta, Ga. and its commercial zone and points in Georgia within ten (10) airline miles, from Atlanta, Ga. and its commercial zone, which was published in the *FEDERAL REGISTER*.

No. MC 111729 (Sub-No. 406 TA), filed November 1, 1973. Applicant: **PUROLATOR COURIER CORP.**, 2 Nevada Drive, Lake Success, (NHP-PO) N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory and medical test samples, human blood, blood derivatives, human blood drawing materials, human tissue, urine samples, and test tubes and containers therefor; business papers, and records, related thereto*. (1) Between Columbus, Ohio, on the one hand, and, on the other, points in Ohio County, W. Va. and points in Pennsylvania; (2) Between Birmingham, Ala., on the one hand, and on the other, points in Florida, Georgia, Tennessee, and Texas, on traffic having an immediately prior or subsequent movement by air or motor vehicle; and (3) from points in Indiana, to St. Louis, Mo., for 90 days. **SUPPORTING SHIPPERS:** (1) Clinical Laboratories of St. Louis, Inc., 11636 Administration Drive, Creve Coeur, Mo.; (2) Medical Laboratory Associates, 1025 South 18th Street, Birmingham, Ala.; and (3) Consolidated Biomedical Laboratories, Inc., P.O. Box 2389, Columbus, Ohio. **SEND PROTESTS TO:** Anthony D. Gialmo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112971 (Sub-No. 2 TA), filed October 30, 1973. Applicant: **CONTRACT PIPE CARRIERS INC.**, 401 Linton Avenue, Croydon, Pa. 19020. Applicant's representative: Ralph C. Busser, Jr., 448 School House Lane, Philadelphia, Pa. 19144. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, specifically, *pipe, manhole chambers, fittings, supplies and equipment* used in the manufacture thereof, from the plants of the Atlantic Concrete Products Company in the Borough of Tullytown, Bucks County, Pa., to points within 200 miles in the States of Delaware, Maryland, New Jersey, and the District of Columbia, for 180 days. **SUPPORTING SHIPPER:** J. J. Westhoff, President, Atlantic Concrete Products Co., 675 Main Street, Tullytown, Pa. 19007. **SEND PROTESTS TO:** F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, William J. Green, Jr. Federal Bldg., 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 121300 (Sub-No. 2 TA), filed October 30, 1973. Applicant: **RALPH L. HARRIS, FLORENCE L. HARRIS, GLENN M. HARRIS, AND ROBERTA S. HARRIS**, doing business as **HARRIS TRANSPORTATION COMPANY**, P.O.



Box 1100, Victorville, Calif. 92392. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrate, bastnasite ore*, in bulk, having a subsequent movement by rail, from the mill and mine sites of Molybdenum Corporation of America at or near Mt. Pass, Calif., to Nipton, Newberry, Barstow, and Daggett, Calif., for 180 days. SUPPORTING SHIPPER: Molybdenum Corporation of America, Mt. Pass Operations, Mt. Pass, Calif. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124669 (Sub-No. 33 TA), filed October 29, 1973. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ernie Sifrar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas (LPG)*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-America Pipeline Company pipeline, at or near Sanborn, Iowa, to points in Minnesota, for 180 days. SUPPORTING SHIPPERS: Solar Gas, Inc., 1 East Jackson St., Chillicothe, Mo. 64601, Clifford Botsford, Div. Mgr. and Skelly Oil Co., 1717 University Ave., St. Paul, Minn. 55104, T. L. Sawyer, Div. Mgr. SEND PROTESTS TO: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 128030 (Sub-No. 49 TA), filed October 30, 1973. Applicant: THE STOUT TRUCKING CO., INC., Rural Route No. 1, P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La-Crosse and Sheboygan, Wis., to Danville and Decatur, Ill., for 180 days. SUPPORTING SHIPPER: Cole Distributing Co., 701 N. Van Dyke St., Decatur, Ill., and Haton Distributing Co., 728 Cleveland Street, Danville, Ill. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128862 (Sub-No. 18 TA), filed October 26, 1973. Applicant: B. J. CECIL TRUCKING, INC., P.O. Box C, Claypool, Ariz. 85532. Applicant's representative: Ruth Burns (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Copper ore*, in bulk for testing purposes, from points in Arizona specifically Bagdad, Miami, Safford, Willcox, and Ray, to San Francisco, Calif., for 180 days. SUPPORTING SHIPPER: Marcona Corporation, One Maritime Plaza, San Francisco, Calif. 94111. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 129645 (Sub-No. 49 TA), filed October 30, 1973. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Basil J. Smeester (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, faced or finished with decorative or protective materials and accessories and supplies*, from the warehouse facilities of the Masonite Corporation at Bloomington, Minn., to points in the Upper Peninsula of Michigan and Wisconsin, for 180 days. SUPPORTING SHIPPER: Masonite Corporation, 29 North Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 129645 (Sub-No. 50 TA), filed October 30, 1973. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Basil J. Smeester (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels; plain or finished with decorative or protective materials; furniture stock panels, wooden with or without veneer facings; molding, NOI; particle board; and hardboard and composition board (except lumber, rough or dressed)*, from the plant and warehouse facilities of the Iron Wood Products Corporation at Bessemer, Mich., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas, for 180 days. SUPPORTING SHIPPER: The Iron Wood Products Corporation, P.O. Box 26, Bessemer, Mich. 49911. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133708 (Sub-No. 8 TA), filed October 30, 1973. Applicant: PIKSE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carol H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Cushenbury, Calif., to Ports of Entry on the United States-Mexico Boundary line at or near Calexico, Tecate and San Ysidro, Calif., for 180 days. SUPPORTING SHIPPER: Kaiser Cement & Gypsum Corp., 600 South Commonwealth Avenue, Los Angeles, Calif. 90005. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133941 (Sub-No. 3 TA), filed October 29, 1973. Applicant: NORTHERN INDUSTRIAL CARRIERS LIMITED, Box 13K, R.R. #2, Edmonton, Alberta, Canada. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe*, from the port of entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont., to points in Beaverhead, Big Horn, Blaine, Custer, Glacier, Hill and Toole Counties, Mont., for 180 days. SUPPORTING SHIPPER: Prudential Steel Ltd., 8919 Barlow Trail SE., Calgary, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134467 (Sub-No. 7 TA), filed October 29, 1973. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and shortening and blends thereof (except in bulk)*, from Helena, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Armour Food Co., Div. of Armour & Co., Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.



No. MC 134599 (Sub-No. 92 TA), filed October 25, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Mail: P.O. Box 748 (Box zip 84110), Office: 265 W. 2700 South, Salt Lake City, Utah 84115. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cartoned and crated office furniture and parts thereof*, (1) from the plantsites of Steelcase, Inc. at Grand Rapids and Wyoming, Mich., to Seattle, Wash. and (2) from the plantsite of Steelcase, Inc. at Tustin, Calif., to Seattle, Wash. and Portland, Oreg., under continuing contract with Steelcase, Inc., for 180 days. SUPPORTING SHIPPER: Steelcase, Inc., P.O. Box 1967, Grand Rapids, Mich. 49508. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 136941 (Sub-No. 2 TA), filed October 30, 1973. Applicant: CHANCE CORPORATION, General Delivery, Tse Bineto, N. Mex. Applicant's representative: Lynn W. Mitton, Post Office Box 842, Window Rock, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, transported by means of temperature controlled equipment, including *food commodities, school supplies, janitorial supplies, clothing and linens* (except commodities in bulk, in tank vehicles, household goods and commodities requiring the use of special equipment because of size or weight) between the points of Gomerco, N. Mex.; Holbrook, Snowflake, Winslow, and Flagstaff, Ariz.; Ignacio, Colo.; Clearfield, Richfield, and Brigham City, Utah, for 180 days. SUPPORTING SHIPPER: Bureau of Indian Affairs—Navajo Area, Area Property and Supply Officer Thomas G. Brandt, P.O. Box 1060, Gallup, N. Mex. 87301. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 138304 (Sub-No. 4 TA), filed October 29, 1973. Applicant: NATIONAL PACKERS EXPRESS, INC., Suite 330, 29 S. LaSalle St., Chicago, Ill. 60603. Applicant's representative: Craig B. Sherman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty bomb casings—airial, iron or steel, not from Garden City, N.Y., to receiving officer, Naval Ammunition Depot, McAlester, Okla., for 180 days.* SUPPORTING SHIPPER: AMF, Incorporated, Div. Vice President—L.P.G., 860 East Gate Blvd., Garden City, N.Y. 11530. SEND PROTESTS TO: W. J. Gray, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139181 TA (CORRECTION), filed October 18, 1973, published in the FEDERAL REGISTER issue of November 6, 1973, and republished as corrected this issue. Applicant: CHAFFEE LEASING CO., INC., doing business as P & J TRUCKING, 911 Yale Street, Scott City, Mo. 63780. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116.

NOTE.—The purpose of this partial republication is to correct the MC number to No. MC 139181 TA in lieu of No. MC 13981 TA, which was published in the FEDERAL REGISTER in error. The rest of the application remains the same.

No. MC 139218 TA, filed October 30, 1973. Applicant: MURRAY MACDONALD, INC., 19820 Wedgewood, Grosse Pointe Woods, Mich. 48236. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Havana, Fla.; Ochlocknee, Ga.; and Oran, Mo., to Albion, Coldwater, Detroit, Grand Rapids, Jackson, Kalamazoo, and Saginaw, Mich., for 150 days. SUPPORTING SHIPPER: Absorbent Sales, Inc., 20355 East Nine Mile Road, St. Clair Shores, Mich. 48080. SEND PROTESTS TO: Melvin P. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 139219 TA, filed October 30, 1973. Applicant: McDANIEL TRUCKING, INC., 312 Ross Clark Circle, Dothan, Ala. 36301. Applicant's representative: R. S. Richard, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fertilizer*, in bulk, in dump trucks and dump trailers, between Dothan, Ala., and Albany, Ga.; From Dothan, Ala., over Alabama Highway 52 to the Alabama-Georgia State line, thence over Georgia Highway 62 to the intersection of Georgia Highways 62 and 91 southwest of Albany, Ga., thence via Georgia Highway 91 to Albany, Ga., and return over the same route, serving no intermediate points, for 180 days. SUPPORTING SHIPPER: Swift Chemical Company, 111 West Jackson Boulevard, Chicago, Ill. 60604. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 139220 TA, filed October 31, 1973. Applicant: McDANIEL TRUCKING, INC., Route 1, Box 178, Orange, Va. 22960. Applicant's representative: Roderick B. Mathews, 1200 Mutual Building, Richmond, Va. 23219. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, and wood shavings*, from points in Goochland, Hanover, Louisa, and Spotsylvania Counties, Va., to Spring Grove, Pa. and Avery, Ohio, for 180 days. SUPPORTING SHIPPER: Walton Lumber Company, Pendleton, Va. 23117, and M. M. Davis Mill, Trevilians, Va. 23170. SEND PROTESTS TO: District Supervisor Robert W. Waldron, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Bldg., Richmond, Va.

No. MC 139221 TA filed November 1, 1973. Applicant: CENTRAL PIGGYBACK SERVICE, INC., Route 1, Box 341, Lugoff, S.C. 29078. Applicant's representative: Robert S. Carr, 1412 Bull Street, Suite A, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement in rail piggyback service, between points in Kershaw County, S.C., and Fairfield, Lancaster, Chesterfield, Darlington, Lexington, Sumter, Calhoun, Orangeburg, and Lee Counties, S.C., for 180 days. SUPPORTING SHIPPER: Mafco Textured Fibers, McBee, S.C. 29101. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main St., Columbia, S.C. 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-24417 Filed 11-14-73; 8:45 am]

[Notice 390]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 12, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74816. By application filed November 5, 1973, JACK M. WINTLE, doing business as J & J REFRIGERATED TRUCKING, 2170 Alum Creek Drive, Columbus, OH 43213, seeks temporary authority to lease the operating rights of WINTLE DELIVERY AND REFRIGERATION TRUCK SERVICE, INC., 43 E. Lincoln St., Columbus, OH 43215, under section 210a(b). The transfer to JACK M. WINTLE, doing business as J & J REFRIGERATED TRUCKING, of the operating rights of WINTLE DELIVERY AND REFRIGERATION TRUCK SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-24419 Filed 11-14-73; 8:45 am]



[Notice No. 90]

**MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS**

NOVEMBER 9, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other

procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after November 15, 1973, except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2900 (Sub-No. 243), filed June 29, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts thereof*, from Shreveport, La., to points in and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at Shreveport, La., and destined to points in the area named.

NOTE.—Common control may be involved. Applicant states that the requested authority will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 4687 (Sub-No. 14), filed September 17, 1973. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, Fla. 32304. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste products intended for reuse of recycling and used pallets*, from points in Alabama, Florida, Georgia, and South Carolina, to Jacksonville and Fernandina Beach, Fla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Jacksonville, Fla.

No. MC 6607 (Sub-No. 14), filed September 13, 1973. Applicant: J. J. MINNEHAN, INC., P.O. Box 433, Industrial Park, Scarborough, Maine 04074. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Corn products and blends of corn products with other sweeteners*, in bulk, in tank vehicles, from Beverly and Boston, Mass., to points in New Hampshire, Vermont, Rhode Island, those in that part of Maine bounded by a line beginning at the New Hampshire-Maine State line and extending in an easterly direction along U.S. Highway 2 to Norridgewock, Maine, thence in a northerly direction along Alternate U.S. Highway 201 to junction U.S. Highway 201, thence along Highway 201 to Bingham, Maine, thence

in an easterly direction along Maine Highway 16 through Milo and La Grange, Maine, to junction Maine Highway 43, thence along the western shore of the Penobscot River and the Penobscot Bay to the Atlantic Ocean, thence in a southwesterly direction along the Atlantic Coast to the Maine-New Hampshire State line, and thence along the Maine-New Hampshire State line to the point of beginning, including points on the above-described boundary lines, and those in that part of Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line and extending in a southerly direction along Connecticut Highway 159 to Hartford, Conn., thence in a southerly direction along Interstate Highway 91 to the interchange of Interstate Highway 91 and U.S. Highway 5, thence in a southerly direction along U.S. Highway 5 to New Haven, Conn.; (2) *sugar and blends of sugar with other sweeteners*, from Beverly and Boston, Mass., to points in the destination areas described in (1) above, restricted in (1) and (2) above to a transportation service to be performed under contracts with CPC International, Inc., and the Clinton Corn Processing Co.; and (3) *commodities* as described in (1) and (2) above, from Boston, Mass., to Naugatuck and Watertown, Conn. restricted to a transportation service to be performed under contract with Revere Sugar Refinery.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 18459 (Sub-No. 8), filed September 17, 1973. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster Street, St. Paul, Minn. 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*: (1) From points in Dupage, Cook, Will, Lake, and Kankakee Counties, Ill., and Lake and Porter Counties, Ind., to points in Iowa, Minnesota, Omaha, and South Sioux City, Nebr., and those points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State Boundary line, and extending along Interstate Highway 94 to intersection Wisconsin State Highway 29 East of Menomonie, Wis., thence eastward along Wisconsin State Highway 29 to Lake Michigan; and (2) from St. Paul, Minn., to points in Minnesota.

NOTE.—Applicant indicates that the requested authority can be tacked with its existing authority: In (1) above at Chicago, Ill. on general commodities to provide service between Minneapolis-St. Paul, Minn., and Chicago, Ill., serving named intermediate points in Wisconsin; and in (2) above at St. Paul, Minn., on general commodities to provide service between Chicago, Ill., and St. Paul, Minn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 26396 (Sub-No. 93), filed September 11, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary Interstate Commerce Commission, Washington, D.C. 20423.



WAGGONERS, a Corporation, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, pipe, pumps, sprinkler systems and accessories*, from Carthage, Mo., York and Kearney, Nebr., Commerce City, Colo., and Peoria, Ill., to points in Montana; and (2) *mixer feeders, manure spreaders, horse trailers, small flat bed trailers, tanks, waterers, and feeders*, from the plant sites of B. J. Manufacturing Co., Inc., Dodge City, Kans.; Oswalt Division Butler Manufacturing Co., Garden City, Kans.; W. W. Trailers, Madill, Okla.; Plains Manufacturing Co., Sidney, Nebr.; National Manufacturing and Stamping Co., Jefferson, Iowa; Trojan Division, Ritchie Manufacturing, Conrad, Iowa; Top Hand Production, Inc., Hutchinson, Kans.; and Arkfield Manufacturing and Distributing Co., Inc., Norfolk, Nebr., to Great Falls and Billings, Mont.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority at points in Montana within 100 miles of Bridger, Mont., to serve additional points in Montana and Wyoming within 100 miles of Bridger, Mont. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 35358 (Sub-No. 32), filed September 14, 1973. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Robert D. Givold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players, and recorders; radio and television receivers, musical instruments, accessories, and wire and wooden racks*, from points in New York, New Jersey, and Pennsylvania, to Minneapolis, Minn.

**NOTE.**—Applicant states that the requested authority can be tacked with Subs. 4, 11, 15, 16, 17, 19, 20, and 24 at Minneapolis, Minn., to serve points in the United States. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 44605 (Sub-No. 41), filed September 17, 1973. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, Utah 84115. Applicant's representative: Henry A. Dahn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Helca Mining Company site (approximately 32 miles southwest of Casa Grande, Ariz.) in connection with carrier's regular-route operations.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Casa Grande or Phoenix, Ariz.

No. MC 44639 (Sub-No. 76), filed September 19, 1973. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Craigsville, Va., on the one hand, and, on the other, the New York, N.Y. Commercial Zone.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 51018 (Sub-No. 9), filed August 8, 1973. Applicant: THE BEST TRANSFER COMPANY, a Corporation, 5550 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*: (1) Between points in Hamilton County, Ohio, and points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75, on the one hand, and, on the other, points in Ohio, points in Dearborn County, Ind., and points in that part of Kentucky within ten miles of the southern limits of Cincinnati, Ohio, and (2) between points in Ohio within 25 miles of Cincinnati, points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75, and points in Indiana and Kentucky within 25 miles of Cincinnati, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, New York, Pennsylvania, and West Virginia.

**NOTE.**—Applicant states that the requested authority could be tacked but no new service could be provided. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52709 (Sub-No. 323), filed September 14, 1973. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth E. Stolz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Madison Foods, Inc., located at or near Madison, Nebr., to points in Arizona, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61403 (Sub-No. 233), filed September 17, 1973. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11W, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site of Armak Chemical Company, located at points in Grundy County, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 74321 (Sub-No. 92), filed September 20, 1973. Applicant: B. F. WALKER, INC., P.O. Box 17B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Refractories*, (1) from the plant site of North American Refractories Co., located at or near Farber, Mo., to points in Alabama, Arizona, California, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and (2) from the plant sites of North American Refractories Co., located at Berks, Huntingdon, and Clearfield Counties, Pa., and Jackson County, Ohio, to points in Arizona, Arkansas, Colorado, California, Florida, Georgia, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Denver, Colo.

No. MC 82492 (Sub-No. 87), filed September 13, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmsted Road, Kalamazoo, Mich. 49003. Applicant's representative: William J. Boyd, 29 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Madison



Foods, Inc., at Madison, Nebr., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio, restricted to the movement of traffic originating at the plantsite of Madison Foods, Inc., at Madison, Nebr., and destined to the named destination States.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 82841 (Sub-No. 130), filed September 24, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, and accessories*, from points in Burlington County, N.J., to points in Illinois, Indiana, Kansas, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, Colorado, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 380), filed September 14, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) and *parts, implements, attachments, accessories and supplies*, from Dallas and Houston, Tex., to points in Dallas and Houston, Tex., to points in Texas, Arizona, New Mexico, and California.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 83539 (Sub-No. 381), filed September 17, 1973. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Structural poles and parts, attachments and accessories for structural poles*; and (2) *materials, equipment and supplies* used in the manufacture, installation or processing of commodities listed in (1) above, between Houston, Tex., on the one hand, and, on the other, points in the United States including Alaska (but excluding Hawaii), restricted to traffic originating at or destined to the plantsites of American Pole Structures located at or near Houston, Tex.

NOTE.—Common control was approved in No. MC-F-9241. Applicant states that the requested authority cannot or will not be

tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 83835 (Sub-No. 110), filed September 14, 1973. Applicant: WALES TRANSPORTATION INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Off-highway vehicles and parts, attachments and accessories* for or of off-highway vehicles, between Tulsa, Okla.; Lufkin, Houston, and Conroe, Tex.; and Lark, Utah, on the one hand, and, on the other, points in the United States including Alaska (but excluding Hawaii), restricted to shipments originating at or destined to the facilities of Unit Rig and Equipment Company, located at Tulsa, Okla.; Houston, Tex.; and Lark, Utah, and the facilities of Kimco, Inc., located at Houston, Lufkin, and Conroe, Tex.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Tulsa, Okla.

No. MC 87909 (Sub-No. 17), filed September 20, 1973. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass glazing units*, from Mason City, Iowa to Bayport, Minn.

NOTE.—Common control was approved in Docket No. MC-F-8722. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 94350 (Sub-No. 341), filed September 21, 1973. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial shipments, and (2) *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Fillmore County, Nebr., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Montana, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE.—Common control was approved in Docket No. MC-F-11670. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 97357 (Sub-No. 51), filed September 17, 1973. Applicant: ALLYN TRANSPORTATION COMPANY, a Corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's rep-

resentative: Warren N. Grossman, 606 South Olive Drive, Los Angeles, Calif. 90014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *liquid asphalt and road oils*, in bulk, in tank vehicles; and (2) *petroleum fuel oils* when shipped in mixed shipments with the commodities in (1) above; from points in Clark County, Nev., to points in Washington, Kane, Garfield, Iron, Beaver, and Piute Counties, Utah.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 98869 (Sub-No. 5), filed September 6, 1973. Applicant: KOSCHKEE TRANSFER, INC., Rural Route 1 Fennimore, Wis. 53809. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between the junctions of U.S. Highway 18 with Wisconsin Highway 80 and Wisconsin Highway 133: From the junction of U.S. Highway 18 and Wisconsin Highway 80 at or near Cobb, Wis., thence north over Wisconsin Highway 80 to junction Wisconsin Highway 133, thence west over Wisconsin Highway 133 to junction U.S. Highway 18 at or near Mt. Hope, Wis., and return over the same route, serving all intermediate points, and the off-route point of Avoca, Wis.; (2) Between the junctions of U.S. Highway 18 and Wisconsin Highway 39, and with Wisconsin Highway 78: From the junction of U.S. Highway 18 and Wisconsin Highway 39, in Iowa County, Wis., thence south over Wisconsin Highway 39 to junction with Wisconsin Highway 78 in Green County, Wis., and return over the same route, serving all intermediate points; and (3) Between Boscobel, Wis., and Bridgeport, Wis.: From Boscobel over U.S. Highway 61 to junction with Wisconsin Highway 60, thence over Wisconsin Highway 60 to Bridgeport, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Dubuque, Iowa.

No. MC 99004 (Sub-No. 3), filed September 24, 1973. Applicant: WILLIAM E. WATSON and VIVIANNE WATSON, a Partnership, doing business as BILL WATSON FREIGHT LINE, P.O. Box 1558, Estes Park, Colo. 80517. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment), between Denver and



Estes Park, Colo.: From Denver over Interstate Highway 25 to junction Colorado Highway 66, thence over Colorado Highway 66 to junction U.S. Highway 36, thence over U.S. Highway 36 to Estes Park, and return over the same route, serving intermediate points on U.S. Highway 36 between Lyons, Colo., and Estes Park, inclusive, and serving Big Elk Meadows and those points located on Colorado Highway 7 as off-route points.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 105248 (Sub-No. 8), filed September 11, 1973. Applicant: MARGARET B. BOWSER AND ROBERT B. BOWSER, a Partnership, doing business as BOWSER TRANSFER COMPANY, 242 Front Street, Punxsutawney, Pa. 15767. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Oil country casing, tubing and line pipe*, from Punxsutawney, Pa., to points in West Virginia and New York.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 2 at Punxsutawney, Pa., to provide a through service from Pittsburgh and Philadelphia, Pa., to the destination States named above. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 105566 (Sub-No. 96) (AMENDMENT), filed August 6, 1973, published in the FEDERAL REGISTER issue of September 13, 1973, and republished, as amended, this issue. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plasticizers, plastic materials, and plastic articles*, (except in bulk, in tank or hopper vehicles), from Washington and Morgantown, W. Va., Gary, Ind., Ottawa and Tuscola, Ill., Calvert City, Ky., Akron and Xenia, Ohio, and Memphis, Tenn., to points in Washington, Oregon, Idaho, California, Nevada, Utah, Colorado, Arizona, New Mexico, and Texas; and (2) *plastic articles, plastic materials, resins, latex* (except in bulk, in tank or hopper vehicles), from Illinois, Ill., to points in Washington, Oregon, Idaho, California, Nevada, Utah, Colorado, Arizona, New Mexico, and Texas.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. The purposes of this republication are: (1) To indicate the exceptions as described in (1) above; and (2) to add the authority as described in (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 106497 (Sub-No. 5), filed September 14, 1973. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912 (Bus. Rte I-44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants, and gaskets* (except oil field commodities as defined in *Mercer-Extension-Oil Field Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of Clow Corporation, located at Columbia, Mo., to points in the United States (except Alaska and Hawaii).

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 107129 (Sub-No. 11), filed September 14, 1973. Applicant: E. K. MOTOR SERVICE, INC., 2005 N. Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, from Whiting and East Chicago, Ind., to the plantsite and warehouse facilities of the GAF Corporation, located at or near Joliet, Ill., under contract with the GAF Corporation.

**NOTE.**—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 107295 (Sub-No. 675), filed September 20, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Council Grove, Kans., and Fitzgerald, Ga., to points in the United States (except Alaska and Hawaii).

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 676), filed September 20, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, and in sections; (2) *building sections and building panels*; and (3) *metal prefabricated structural components*, between Atlantic, Iowa, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

**NOTE.**—Although applicant indicates that tacking possibilities exist, none are sought herein. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 373), filed September 21, 1973. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., at Madison, Neb., to points in Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, restricted to the transportation of traffic originating at the above named plantsite and destined to the named States.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 108393 (Sub-No. 72), filed September 6, 1973. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by mail order houses and retail department stores, and in connection therewith, such equipment, materials and supplies used in the conduct of such business*, between Jacksonville, Fla., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under continuing contract or contracts with Sears, Roebuck & Co.

**NOTE.**—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109689 (Sub-No. 253), filed September 21, 1973. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ores and ore concentrates and mining and milling supplies*, between points in Utah and Nevada.

**NOTE.**—Applicant states that the requested authority can be tacked with its Sub-213 on dry minerals at the Great Salt Lake Minerals & Chemical Corp. plant near Little Mountain, Utah, to serve points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Carson City, Nev.

No. MC 110563 (Sub-No. 114), filed September 20, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box



747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Mr. Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk); (2) *advertising matter premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated, located at or near Chicago, Ill., to points in Connecticut, Delaware, Massachusetts, Maryland, New York, New Jersey, Pennsylvania, and Rhode Island, restricted to traffic originating at the origin point named above.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 112696 (Sub-No. 51), filed September 17, 1973. Applicant: HARTMANS, INCORPORATED, P.O. Box 898, Harrisonburg, Va. 22801. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Morton Frozen Food Division, Continental Baking Co., Crozet, Va., to points in Maryland, Kentucky, Indiana, Michigan, Ohio, West Virginia, Maine, New Hampshire, Vermont, Wisconsin, New York, Illinois, Virginia, Minnesota, Connecticut, Delaware, New Jersey, Massachusetts, Pennsylvania, Rhode Island, and the District of Columbia.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 295), filed September 17, 1973. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* (except hides and commodities in bulk), from the plantsite and warehouse facilities of National Beef Packing Company, located at Liberal, Kans., to points in Ohio, Indiana, and Michigan.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Oklahoma City, Okla.

No. MC 113267 (Sub-No. 308), filed September 17, 1973. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Boulevard, Memphis, Tenn. 38116. Applicant's representative:

Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles) from the plantsite of Madison Foods, Inc., Madison, Nebr. to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named States.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113362 (Sub-No. 259), filed September 20, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 8th Ave. NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry molding, and treating compounds and foundation water impedance boards*, from the plantsite and storage facilities of American Colloid Company located near Belle Fourche, S. Dak., to points in New York, Pennsylvania, Massachusetts, Connecticut, New Jersey, Delaware, and West Virginia, restricted to traffic originating at the named origin and destined to the named destination states.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 261), filed September 17, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 8th Ave. NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., located at Madison, Nebr., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named plantsite and destined to the above named states.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113362 (Sub-No. 262), filed September 17, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 8th Ave. NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Minneapolis-St. Paul, Minn., to points in Maine, New Hampshire, and Vermont.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113843 (Sub-No. 198), filed September 13, 1973. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc. at Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to the movement of traffic originating at the plantsite of Madison Foods, Inc. at Madison, Nebr. and destined to the named destination states.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113908 (Sub-No. 290), filed September 17, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propionic acid*, in bulk, in tank and hopper vehicles, from Sterlington, La., to Des Moines, Iowa.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 165), filed September 17, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as appli-



cant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hardwood products, bagged wood powder, finished wood molding, gym flooring, plywood, wood toys, wood furniture, kitchen cabinets (in cartons), and material and supplies on return, between Laona and Wausau, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at Connor Forest Industries at Wausau and Laona, Wis.*

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 166), filed September 6, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Book pages, folded or unfolded, (1) from Versailles, Ky., to Chicago, Ill. and its Commercial Zone and (2) from Hammond, Ind., to Versailles, Ky., restricted to traffic moving from the plantsites and storage facilities of Rand McNally and Company, located at or near Versailles, Ky., or Hammond, Ind.*

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114606 (Sub-No. 7), filed September 24, 1973. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 First Street SW., New Brighton, Minn. 55112. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar, in bulk, in tank vehicles, from Chaska, Minn., to Fremont, Nebr.*

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114789 (Sub-No. 43), filed September 17, 1973. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Floor coverings, stair treads, wall tile, counter top coverings and moldings and materials and supplies used in the installation, maintenance, and repair of the commodities described above: (1) from Cambridge, Ohio, to points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin, under a continuing contract, or*

contracts, with General Floor Coverings Company of Minneapolis, Minn.; and (2) from Dalton and Minerva, Ohio and Baltimore, Md., to points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin, under a continuing contract, or contracts, with Minnesota Tile Supply of Minneapolis, Minn.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 115331 (Sub-No. 346), filed May 24, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Silica pebble, silica sand, and silica flour, in bulk, from Elco, Ill. to points in the United States (except Alaska and Hawaii).*

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 115481 (Sub-No. 5), filed September 14, 1973. Applicant: GILCHRIST BROS., INC., Coastwise & Tyler Streets, Port Newark, N.J. 07114. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, from Elizabeth, N.J., to New York, N.Y., and points in Dutchess, Orange, Nassau, Putnam, Rockland, Suffolk, Sullivan, Ulster, Westchester Counties, N.Y., and Passaic, Bergen, Essex, Hudson, Union, Somerset, Middlesex, Monmouth, and Ocean Counties, N.J.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116014 (Sub-No. 64), filed September 17, 1973. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bed springs, bedstead rails, cots and cot frames, springs and spring assemblies, metal sleeper fixtures, and materials and supplies used in the manufacture of the above named commodities, between Carthage, Mo., on the one hand, and, on the other, Winchester, Ky.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or St. Louis, Mo.

No. MC 116014 (Sub-No. 65), filed September 17, 1973. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, from Ashland, Ky., to points in Alabama, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.*

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 18 at Ashland, Ky., to provide a through service from points in Kentucky, to the destination states named herein. Applicant further states that it is presently performing the requested operations by tacking Sub-No. 15 to Sub-No. 18 at Coalton, Ky. By the instant application, applicant seeks to eliminate the Coalton, Ky. gateway. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 116073 (Sub-No. 287), filed September 13, 1973. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tassar, 1819-4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial movements; and buildings, complete or in sections, transported on wheeled undercarriages, from points of manufacture in El Paso County, Colo., to points in the United States (except Alaska and Hawaii).*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116230 (Sub-No. 2), filed September 7, 1973. Applicant: HERBERT F. JAUQUET, doing business as HERB JAUQUET TRUCKING, Box 107, Channing, Mich. 49815. Applicant's representative: Herbert F. Jauquet (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chip rocks, in bags, from Felch and Randville, Mich., to points in Waukegan, Rockford, Springfield, Hinsdale, Lyons, Itasca, Worth, Lake Bluff, Robinson, Skokie, Des Plaines, and Chicago, Ill.; St. Louis, Mo.; Cleveland, Columbus, Cincinnati, Dayton, and Akron, Ohio; Terre Haute, Indianapolis, and Princeton, Ind.; Neenah, Eden, Oak Creek, Ashland, Oak Field, Milwaukee, and Rhinelander, Wis.; and Minneapolis, St. Paul, Rochester, Bloomington, and Cloquet, Minn., under contract with Caspian Construction Co. Inc., Caspian, Mich.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 116632 (Sub-No. 16), filed September 10, 1973. Applicant: RALPH E. CURTIS & SON, INC., 123 Mt. Hope Avenue, Bangor, Me. 04401. Applicant's representative: Frederick T. McGonagle, 39 Main Street, Gorham, Me. 04038. Author-



ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) from the ports of entry located on the International Boundary Line between the United States and Canada located at or near Van Buren, Fort Fairfield, Houlton, Fort Kent, Madawaska, and Calais, Maine, to points in Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Ohio, Michigan, and the District of Columbia; (b) from points in Washington County (except Princeton, Whitneyville, and Waite, Maine), and Hancock County, Maine, to points in Vermont; and (c) from Smyrna Mills, Sherman Station, and Masardis, Maine, to points in Delaware, Maryland, and the District of Columbia; and (2) *wooden fencing*, from Van Buren, Maine, to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Ohio.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 117058 (Sub-No. 11), filed September 12, 1973. Applicant: CAPITAL MESSENGERS, INC., 4700 Varnum Street, Bladensburg, Md. 20710. Applicant's representative: Nancy Pyeatt, 1030—15th Street NW., 420 Executive Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying and duplicating equipment, and materials and supplies necessary for operation and maintenance of such equipment*, crated and uncrated, from points in Maryland, Virginia, and the District of Columbia to Moorestown, N.J., under continuing contract with A. B. Dick Company.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117519 (Sub-No. 2), filed September 13, 1973. Applicant: TRANSPORTATION, INC., R.R. 2, Box 109, Lawrence, Kans. 66044. Applicant's representative: Frederick L. Bones (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale aggregates*, (1) from Ottawa, Kans., to points in Nebraska, Colorado, Oklahoma, Missouri, and Arkansas; and (2) from Marquette, Kans., to points in Nebraska, Colorado, Oklahoma, Missouri, and Arkansas.

**NOTE.**—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117883 (Sub-No. 181), filed September 13, 1973. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the

report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above named plant site and destined to the above named states.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118202 (Sub-No. 23), filed September 21, 1973. Applicant: SCHULTZ TRANSIT, INCORPORATED, 323 East Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products* (except commodities in bulk, in tank vehicles), from Grand Forks, N. Dak., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kentucky, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, restricted to traffic originating at the plant site and storage facilities of Western Potato Service, Incorporated, located at Grand Forks, N. Dak.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 119489 (Sub-No. 31) (AMENDMENT), filed July 6, 1973, published in the FEDERAL REGISTER issue of August 23, 1973, and republished as amended, this issue. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas, and (2) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this amendment is to accommodate applicant's expanded transportation requirements. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr., or Chicago, Ill.

No. MC 119641 (Sub-No. 113), filed September 13, 1973. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278-Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels); *equipment designed for use in conjunction with tractors; agricultural, industrial and construction machinery and equipment; trailers designed for the transportation of the above-described commodities* (except those trailers designed to be drawn by passenger automobiles); *attachments for the above-described commodities; internal combustion engines, and parts of the above-described commodities when moving in mixed loads with such commodities*, (1) from the ports of entry on the International Boundary line at or near Detroit and Port Huron, Mich., to points in Alabama, Arkansas, those in that part of Minnesota north of U.S. Highway, Mississippi, those in that part of North Dakota north of U.S. Highway 2, South Dakota and Tennessee; and (2) from points in Polk County, Iowa, and Rock Island County, Ill., to points in Louisiana, restricted in (1) above to traffic originating at the plant, warehouse sites and experimental farms of Deere and Company located in Ontario, Canada, and in (2) above to traffic originating at the plant, warehouse sites and experimental farms of Deere and Company in Polk County, Iowa, and Rock Island County, Ill.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 119669 (Sub-No. 38), filed September 13, 1973. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Madison Foods, Inc. at Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Vermont, Virginia, and West Virginia, restricted to the movement of traffic originating at the plant site of Madison Foods, Inc., at Madison, Nebr. and destined to the named destination areas.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119669 (Sub-No. 39), filed September 17, 1973. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Donald McCameron (same address as applicant).



Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site and warehouse facilities of Armour and Company at Memphis, Tenn., to points in Ohio and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 119669 (Sub-No. 40), filed September 21, 1973. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Donald McCameron (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Koch Beef Packing Co., located at or near Greensburg, Ind., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted to traffic originating at the above named plant site and storage facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 121567 (Sub-No. 4), filed September 13, 1973. Applicant: WICHITA AIR CARGO DELIVERY INC., Cargo Building, Municipal Airport, Wichita, Kans. 67209. Applicant's representative: R. H. Neathery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Wichita, Kans., on the one hand, and, on the other, Kansas City, Mo., and points in Kansas, Oklahoma, Arkansas, and Texas, and those in that part of Louisiana west of U.S. Highway 171 and Louisiana State Highway 27, restricted to immediate prior or subsequent air service.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 123061 (Sub-No. 69), filed September 17, 1973. Applicant: LEATHAM BROS. INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Natural Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone rock, lime and lime products*, from points in Tooele County, Utah, to points in Montana, Washington, Oregon, Idaho, Colorado, Wyoming, Nevada, and California.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123282 (Sub-No. 13), filed September 20, 1973. Applicant: McKINLAY TRANSPORT LIMITED, Highway 25 at 401, Milton, Ontario, Canada. Applicant's representative: Walter N. Bleneman, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the International Boundary line between the United States and Canada at Port Huron, Mich., on the one hand, and, on the other, Port Huron, Mich.

NOTE.—Applicant indicates that the requested authority will be joined with its Canadian authority, but that no other tacking possibilities exist. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 123872 (Sub-No. 13), filed September 17, 1973. Applicant: W & L MOTOR LINES, INC., P.O. Drawer 2607, 10th & C Streets SE., Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the warehouse and shipping facilities of J. C. Penney Company at or near Claremont, N.C., to points in California, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 124111 (Sub-No. 46), filed September 13, 1973. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products and foodstuffs, and advertising material and supplies*

when shipped therewith (except commodities in bulk), from Sandusky, Ohio, to Washington, D.C., and its commercial zone, and points in Virginia.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 124144 (Sub-No. 6), filed September 12, 1973. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and insecticides*, from Hanover, Pa., to points in California, Washington, Nevada, Oregon, and Arizona, under contract with Miller Chemical & Fertilizer Corporation, at Hanover, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124170 (Sub-No. 33), filed September 10, 1973. Applicant: FROSTWAYS, INC., 3900 Orleans Street, Detroit, Mich. 48207. Applicant's representative: Robert D. Schuler, One Woodward Avenue-Suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour and icing mixes*, from Chelsea, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of traffic originating at Chelsea, Mich., and destined to the named destination States.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 124212 (Sub-No. 73), filed September 17, 1973. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States-Canada located in North Dakota and Minnesota, to points in Minnesota, North Dakota, and South Dakota.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124328 (Sub-No. 58), filed September 10, 1973. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 East River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor ve-



hicle, over irregular routes, transporting: *United States bonds and food coupons*, between points in the United States (except Alaska and Hawaii), under contract with General Services Administration.

**NOTE.**—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 123), filed September 17, 1973. Applicant: **SAMMONS TRUCKING**, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric signs and scoreboards, and parts and accessories thereof*, from points in Spokane County, Wash., to points in California, Arizona, Utah, Oregon, Nevada, Colorado, Idaho, Montana, and Wyoming.

**NOTE.**—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Portland, Oreg.

No. MC 125708 (Sub-No. 134), filed September 14, 1973. Applicant: **THUNDERBIRD MOTOR FREIGHT LINES, INC.**, Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windshield washer solvents and cosmetics*, from the plantsite of Adam & Eve Cosmetics, Inc., located at Indianapolis, Ind., to points in the United States (except Alaska and Hawaii).

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 126472 (Sub-No. 19), filed August 30, 1973. Applicant: **WILLCOXSON TRANSPORT, INC.**, P.O. Box 18, Bloomfield, Iowa 52537. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Louisiana, Mo., to points in Illinois and Iowa.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 126594 (Sub-No. 3), filed September 21, 1973. Applicant: **CUSTOMERS TRUCK SERVICE**, a Corporation, 1820 W. Allard Ave., Eureka, Calif. 95501. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to points in Jackson and Josephine Counties, Oreg.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126899 (Sub-No. 66), filed September 17, 1973. Applicant: **USHER TRANSPORT, INC.**, 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising materials*, from Milwaukee, Wis., to Lima and Tiffin, Ohio, and empty malt beverage containers on return.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Columbus, Ohio.

No. MC 127042 (Sub-No. 124), filed September 14, 1973. Applicant: **HAGEN, INC.**, 4120 Floyd Blvd., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., located at Madison, Nebr., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic originating at the above named plantsite and destined to the above named States.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127042 (Sub-No. 126), filed September 20, 1973. Applicant: **HAGEN, INC.**, 4120 Floyd Blvd., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouse* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Yankton Sioux Industries located at or near Wagner, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma,

Wyoming, Colorado, Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington; and (2) *meats, meat products, and meat by-products, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A and D of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the destination States named above to the plantsite and warehouse facilities utilized by Yankton Sioux Industries located at or near Wagner, S. Dak., restricted in (1) and (2) above to traffic originating at the named origin and destined to the named destinations.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127042 (Sub-No. 127), filed September 24, 1973. Applicant: **HAGEN, INC.**, 4120 Floyd Blvd., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, cleaning compounds, acids, solvents, alcohols, and personal care products*, from Sioux City, Iowa, to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Texas, Oklahoma, Minnesota, Missouri, Illinois, and Wisconsin.

**NOTE.**—Although tacking possibilities exist, applicant indicates none are sought with the request for authority herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127705 (Sub-No. 41), filed August 13, 1973. Applicant: **KREYDA BROS. EXPRESS, INC.**, P.O. Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from the plantsite of Chattanooga Glass Company at Keyser, W. Va., to points in Michigan, Ohio, Connecticut, New Hampshire, Massachusetts, Pennsylvania, and New York; and (2) *returned shipments of glass containers and glass cullet*, from points in the destination States named in (1) above, to the plantsite of Chattanooga Glass Company at Keyser, W. Va.; restricted against tacking with any other authority presently held by applicant. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128527 (Sub-No. 43), filed September 17, 1973. Applicant: **MAY TRUCKING CO.**, a Corporation, P.O. Box 398, Payette, Idaho. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to



operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in California, Oregon, Washington, Idaho, and Nevada.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128539 (Sub-No. 6), filed September 13, 1973. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, 315 West Ridge Street, Rocky Mount, N.C. 27801. Applicant's representative: Ralph McDonald, P.O. Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, from Norfolk, Va., to points in Georgia, Kentucky, New Jersey, Pennsylvania, Tennessee, and West Virginia.

NOTE.—Applicant states that the requested authority can be tacked with the authority applicant seeks to acquire in MC-F-11818 at Norfolk, Va., to permit a through service from points in North Carolina, to points in the destination States named above. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 129600 (Sub-No. 16), filed September 13, 1973. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Orange juice and frozen juice concentrates*, (except in bulk), from Dunedin, Fla., to Boston and Agawam, Mass., Providence and Cranston, R.I., Portland, Maine, Manchester, N.H., Hillside, N.J., Burlington, Vt., and Binghamton, N.Y.; and (2) *pallets and milk cases*, between Boston and Agawam, Mass., Providence, R.I., Portland, Maine, Manchester, N.H., Burlington, Vt., and Suffield, Conn., restricted to a transportation service to be performed under a contract with H. P. Hood, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 129631 (Sub-No. 39), filed September 14, 1973. Applicant: PACK TRANSPORT, INC., 3975 South 2d West, Salt Lake City, Utah 84107. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight require special equipment, and *related machinery parts and contractors materials and supplies* when moving with those commodities, which by reason of size or

weight require the use of special equipment; (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and classes A and B explosives), moving in the same vehicle and at the same time in mixed loads with commodities the transportation of which, because of size or weight require the use of special equipment, on a single bill of lading from a single consignor; (3) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a) (13) of the Interstate Commerce Act, and vehicles in drive away service), and *related machinery, tools, parts, and supplies* moving in connection therewith; (4) *iron and steel articles*, as defined by the Commission; and (5) *pipe* (except iron and steel) and *fittings* therefor, (a) between points in Idaho, and (b) between points in Utah, on the one hand, and, on the other, points in Idaho, Montana, Oregon, and Washington.

NOTE.—Common control was approved in MC-FC-74248. Dual operations may also be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 4 at Pocatello or Idaho Falls, Idaho, to serve points in Teton County, Wyo. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 133175 (Sub-No. 2), filed September 20, 1973. Applicant: METALS TRANSPORT CO., a Corporation, 1140 Poland Avenue, Youngstown, Ohio 44502. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Pallet racks*, iron or steel, consisting of unassembled members or members assembled in panels, in straight or mixed shipments, from the plant and warehouse of Republic Steel Corporation, Manufacturing Division, located at or near Youngstown, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Republic Steel Corporation of Cleveland, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134355 (Sub-No. 2), filed September 18, 1973. Applicant: THETFORD TRANSPORT LIMITEE, 1243 Smith Boulevard North, Thetford Mines, Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James St. West, Suite 900, Montreal, Quebec, Canada. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Asbestos fibre short and waste, in bales* (bulk excluded), from the ports of entry on the international boundary line between United States and Canada, at Cham-

plain, N.Y., to Brooklyn, Bronx, Manhattan, and Queens, N.Y.; Secaucus, Berlin, Boundbrook, Linden, Camden, Newark, Delanco, and Garwood, N.J.; Southampton, Port Kennedy, and Mannheim, Pa.; and Cleveland, Ohio, restricted to traffic originating from Black Lake and East Broughton, Province of Quebec, Canada, and destined to the points named above, under contract with Lake Asbestos of Quebec, Ltd., and Carey Canadian Mines, Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Plattsburgh or Albany, N.Y., or Montpelier, Vt.

No. MC 134501 (Sub-No. 10), filed September 10, 1973. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 1118, Irving, Tex. 75060. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from Youngstown, Ohio, and Sturgis, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio, or Pittsburgh, Pa.

No. MC 134574 (Sub-No. 13), filed September 20, 1973. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041 105th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the ports of entry on the international boundary line between the United States and Canada, located at Washington, Idaho, and Montana, to points in California, Oregon, and Washington, restricted to shipments originating in the Provinces of Alberta and Saskatchewan, Canada.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Billings, Mont.

No. MC 134592 (Sub-No. 6), filed September 10, 1973. Applicant: HERB MOORE AND HAZEL MOORE, a Partnership, doing business as H & H TRUCKING CO., 10360 N. Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and ridge units and accessories*, from points in Oregon and Washington, to points in Arizona and Nevada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.



No. MC 134783 (Sub-No. 11), filed September 17, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Inedible meats, meat products and meat by-products*, from the plantsites and storage facilities of Hereford By-Products, Inc., at or near Hereford, Tulsa, Friona, Stratford, Spearman, Muleshoe, and Amarillo, Tex., and the plantsite of Amarillo Canning Co. at or near Amarillo, Tex., to points in Ohio, Pennsylvania, Illinois, Nebraska, North Carolina, and Indiana, restricted to traffic originating at the named origins.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 134783 (Sub-No. 12), filed September 17, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Inedible meats, meat products, and articles distributed by meat packinghouses*, from the plantsites and storage facilities utilized by Tri-State Industries, Inc., at or near Clovis, N. Mex.; Plainview, Midland, Big Springs, and Albany, Tex.; Boise, Idaho, and Billings and Dillon, Mont., to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Florida, North Carolina, South Carolina, Missouri, Nebraska, Maryland, and Illinois, restricted to traffic originating at the named origin points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 135007 (Sub-No. 36), filed September 17, 1973. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Floor covering, floor tile, carpet padding, carpet lining and material, equipment and supplies necessary for the installation thereof*, from Milwaukee, Wis., and Libertyville, Waukegan, and Kankakee, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, under continuing contract with William Volker and Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Omaha, Nebr.

No. MC 135318 (Sub-No. 3), filed September 20, 1973. Applicant: CRANE TRUCKING COMPANY, INC., 1001 S.

Laramie Avenue, Chicago, Ill. 60644. Applicant's representative: Themis N. Anastos, Suite 614-616, 120 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, between the Zayre Warehouse facility located at or near Alsip, Ill.; various warehouse facilities in the Chicago, Ill., Commercial Zone, and points in Lake, Porter, and LaPorte Counties, Ind., Scott and Dubuque Counties, Iowa, and Kenosha, Racine, Waukesha, Milwaukee, Walworth, Rock, Dane, and Jefferson Counties, Wis., under a contract or contracts with Zayre Corporation, Alsip, Ill.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135384 (Sub-No. 8), filed September 17, 1973. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 & Interstate 75, Route 3, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plaster wall grounds, drapery products, heating and air conditioning enclosures, dampers, screening grilles and penthouses*, from the plantsites and warehouse facilities of Brandt-Airflex Corp., at Champaign, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 136008 (Sub-No. 15), filed September 14, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23rd Street, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Light weight aggregate*, in bulk, (1) from the plantsite of TXI, located at Dallas, Tex., to (a) the plantsite of Day Block Company, located at Ardmore, Okla.; (b) the plantsite of Shawnee Concrete Block & Brick Co., located at Shawnee, Okla.; (c) the plantsite of Ada Block Company, located at Ada, Okla.; and (d) the plantsite of Oklahoma Brick Corp., located at or near (approximately 3½ miles northwest of) Union City, Okla., and (2) from the plantsite of TXI, located at Eastland, Tex., to (a) the plantsite of Thomas Concrete Products Co., located at Oklahoma City, Okla.; and (b) the plantsite of Comanche Concrete Products Company, located at Lawton, Okla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136509 (Sub-No. 1), filed September 13, 1973. Applicant: JAMES R. COLELLO, INC., 174 Plain Street, Millis, Mass. 02054. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, from points in Vermont to East Walpole and Mills, Mass., under continuing contracts with Bird & Son, Inc. and GAF Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 136853 (Sub-No. 2), filed September 21, 1973. Applicant: VAN AUTO LEASING, INC., 1150 Route 110, East Farmingdale, N.Y. 11735. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by electronic equipment and supply stores*, between the facilities of Lafayette Radio Electronics Corporation, located at Syosset and Hauppauge, N.Y., on the one hand, and on the other, points in Minnesota, Georgia, and Rhode Island, under contract with Lafayette Radio Electronics Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136916 (Sub-No. 7), filed September 10, 1973. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Limestone*, natural, ground or pulverized, in dump or pneumatic tanks, from Perth Amboy, N.J., to points in Kentucky, Virginia, West Virginia, Massachusetts, and Rhode Island.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138000 (Sub-No. 9), filed September 17, 1973. Applicant: ARTHUR H. FULTON, RFD, Stephens City, Virginia 22655. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in Houston County, Ga., to Lynchburg, Va.

NOTE.—Applicant holds contract carrier authority in MC 129613 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138255 (Sub-No. 3), filed September 10, 1973. Applicant: HERSHEL A. WIMMER AND CHARLES T.



HACKER, doing business as DAYTON AIR FREIGHT, 9000 Peters Pike, Vandalia, Ohio 45377. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), (a) between Cox Municipal Airport at Vandalia, Ohio, on the one hand, and, on the other, Detroit Metropolitan Airport at Romulus, Mich., and (b) between Cox Municipal Airport at Vandalia, Ohio, on the one hand, and, on the other, John F. Kennedy Airport and LaGuardia Airport at Jamaica, N.Y., and O'Hare Airport at Chicago, Ill., restricted to traffic having an immediately prior or subsequent movement by air in both (a) and (b).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dayton, Ohio.

No. MC 138415 (Sub-No. 7), filed September 12, 1973. Applicant: TRAILER EXPRESS, INC., Box 321, Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transportation: *Mini-motor homes and camping trailers*, from the plantsite of Rockwood, Inc., in Topeka and LaGrange County, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, under contract with Rockwood, Inc.

NOTE.—Applicant has pending common carrier authority in MC 129421 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Chicago, Ill., or Indianapolis, Ind.

No. MC 138437 (Sub-No. 1), filed September 14, 1973. Applicant: J. T. R. TRUCKING COMPANY, INC., 489 Washington Street, New York, N.Y. 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10013. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Components and supplies used in the manufacture of costume jewelry*, between points in that portion of the New York, N.Y., Commercial Zone as defined in commercial zones and terminal areas, 53 M.C.C. 451, and as amended, within which local operations may be conducted pursuant to the partial exemption of Section 203(b) (8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, the ship-

per's warehouse facility in Providence, R.I., under contract with Kittay & Blitz, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138452 (Sub-No. 1), filed September 14, 1973. Applicant: JOSEPH KRAUS, Route 2, Box 262-H, Sherwood, Ore. 97140. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Ore. 97214. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic tanks, plastic molding, plastic film, aluminum molding and fittings, hinges, screws, linoleum, adhesive, roof coating and sealer, carpets, propane tanks, particle board furniture, and particle board counter tops*, from points in Orange, San Bernardino, Los Angeles, Alameda, Contra Costa, and San Francisco Counties, Calif., to Caldwell and Nampa, Idaho, and Portland, Ore., under contract with V.S.C. Wholesale Warehouse Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 138639 (Sub-No. 1), filed September 17, 1973. Applicant: CAVALIER TRANSPORTATION CO., INC., P.O. Box 7, Riverside, N.J. 08075. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) *Gypsum products and related materials, supplies, and equipment* (except in bulk), (1) from the plantsites or other facilities of Kaiser Gypsum Company, Inc., at Delanco, N.J., to points in Maine, Vermont, and New Hampshire; (2) between the plantsites or other facilities of Kaiser Gypsum Company, Inc., at Delanco and Camden, N.J., on the one hand, and, on the other, points in Hudson, Bergen, Essex, and Union Counties, N.J.; and (3) between plantsites and other facilities of Kaiser Gypsum Company, Inc., at Jacksonville, Fla., Delanco and Camden, N.J., in interplant service; and (B) *materials, supplies and equipment* (except in bulk), from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to the plantsites or other facilities of Kaiser Gypsum Company, Inc., at Delanco and Camden, N.J., restricted to service under contract with Kaiser Gypsum Company, Inc.

NOTE.—Applicant holds common carrier authority in MC 138030, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138677 (Sub-No. 2), filed September 21, 1973. Applicant: MR ENTERPRISES, INC., doing business as MASON'S BIOLOGICAL & MEDICAL TRANSPORTATION COURIER SERVICE, 9015 Rhode Island Avenue, College Park, Md. 20740. Applicant's representa-

tive: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sera, cell and tissue cultures, biological research products, chemicals, laboratory equipment and apparatus, medical reagents, plasma, and live laboratory animals*, between points in Maryland, Virginia, West Virginia, Pennsylvania, New York, Delaware, New Jersey, Rhode Island, Connecticut, Massachusetts, Tennessee, North Carolina, South Carolina, Ohio, and the District of Columbia, restricted to the transportation of shipments weighing not in excess of 150 pounds, from one consignor to one consignee in a single day.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138741 (Sub-No. 4), filed September 14, 1973. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, couplings, connections, valves, and materials and supplies* for the installation thereof, from the plantsites of the Clow Corporation, located at or near Bensenville, Ill., to points in Iowa, Kansas, and Missouri.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 138741 (Sub-No. 5), filed September 14, 1973. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910, Fairfax Bldg., 101 W. 11th St., Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets* (except oil field commodities as defined in *Mercer-Extension Oil Field Commodities*, 74 M.C.C. 459), from Columbia, Mo., to points in Illinois, Indiana, Iowa, Kentucky, and Wisconsin, restricted to traffic originating at the new plantsite and storage facilities of the Clow Corporation at Columbia, Mo.

NOTE.—Applicant holds contract carrier authority in MC 107129 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 138765 (Sub-No. 2), filed September 24, 1973. Applicant: YODER'S MILK TRANSPORT, INC., 8 Salisbury Street, Meyersdale, Pa. 15552. Applicant's representative: Harold E. Miller (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes,



transporting: *Processed milk and dairy products*, from Cumberland, Md., to (1) points in Allegany and Washington Counties, Md.; (2) points in Bedford, Blair, Cambria, Fulton, Huntington, Franklin, and Somerset Counties, Pa.; and (3) points in Monongalia, Preston, Taylor, Barbour, Randolph, Tucker, Hardy, Mineral, Hampshire, Morgan, and Berkeley Counties, W. Va., under contract with Country Belle Cooperative Farmers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 138845 (Sub-No. 1), filed September 21, 1973. Applicant: DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, Va. 22821. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed structural and architectural concrete products*, from the plantsite of Formigli Corporation located in Spotsylvania County, Va., to points in Delaware, Kentucky, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia under a continuing contract or contracts with Formigli Corporation of Berlin, N.J.

NOTE.—Common control was approved in Docket No. MC-F-11814. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139053 (Sub-No. 2), filed September 20, 1973. Applicant: HIRAM E. BLUE, JR., P.O. Box 94, Vardaman, Miss. 38878. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, pallets, timber and cross-ties*, treated or untreated, between points in Calhoun, Chicasaw, and Pontotoc Counties, Miss., on the one hand, and, on the other, points in Louisiana, Arkansas, Tennessee, Alabama, and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tupelo, Jackson, or Kosciusko, Miss.

No. MC 139067 (Sub-No. 1), filed September 21, 1973. Applicant: MADISON LINES, INC., 1200 Industrial Parkway, Madison, Nebr. 68748. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix F to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Madison

Foods, Inc., located at or near Madison, Nebr., to points in the United States (except Nebraska, Alaska, and Hawaii) under a continuing contract or contracts with Armour and Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa or Omaha, Nebr.

No. MC 139103 (Sub-No. 1), filed September 17, 1973. Applicant: RAYMOND L. BLAKELEY, HOWARD L. BLAKELEY and JAMES W. BLAKELEY, doing business as BLAKELEY TRUCKING COMPANY, R.D. 2, Box 290, Havre de Grace, Md. 21078. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Lancaster, Pa. and Bridgeville, Del., to the Bel Air Farm Supply at or near Bel Air, Md., and to Walter's Mill located at or near Forest Hill, Md., under continuing contract with H. Smith Walter, owner of Bel Air Farm Supply and Walter's Mill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 139128, filed September 13, 1973. Applicant: WALLS CARTAGE CO., a Corporation, 3425 Wisconsin Avenue, Berwyn, Ill. 60402. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from Chicago, Ill. and the Chicago, Ill. Commercial Zone to points in Indiana and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139142 filed September 17, 1973. Applicant: JOHN CAPUTO AND ELISEO CAPUTO, a Partnership doing business as, C & C MOTOR FREIGHT, P.O. Box 25, Little Neck, New York 11363. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing, heating and air-conditioning units and components, parts, materials and supplies* used in the manufacture, distribution and installation of such units, between East Hill, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Iowa, Michigan, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139144, filed September 17, 1973. Applicant: CUMBERLAND EXPRESS, INC., Emory Road, Powell, Tenn. 37849. Applicant's representative: Blaine

Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Tompkinsville and Whitley City, Ky., serving all intermediate points; From Tompkinsville over Kentucky Highway 100 to junction Kentucky Highway 90 east of Burkesville, thence over Kentucky Highway 90 to Monticello, thence over Kentucky Highway 92 to junction U.S. Highway 27, thence northward over U.S. Highway 27 to Whitley City, and return over the same route; (2) between junction U.S. Highway 127 with Kentucky Highway 90 and Albany, Ky., serving all intermediate points; From junction U.S. Highway 127 with Kentucky Highway 90 over U.S. Highway 127 to Albany, Ky., and return over the same route; (3) between Whitley City, Ky., and Atlanta, Ga., serving no intermediate points, but serving Chattanooga, Tenn., and the junction of U.S. Highway 27 with Interstate Highway 40 for purposes of joinder only; From Whitley City over U.S. Highway 27 to Chattanooga, Tenn., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route; (4) between junction U.S. Highway 27 with Interstate Highway 40 near Harriman, Tenn., and Tompkinsville, Ky., serving no intermediate points, but serving the junction of U.S. Highway 27 with Interstate Highway 40 and the junction of Tennessee Highway 53 with Interstate Highway 40 for purposes of joinder only;

From junction Interstate Highway 40 with U.S. Highway 27 over Interstate Highway 40 to junction Tennessee Highway 53, thence over Tennessee Highway 53 to junction Tennessee Highway 52 near Celina, Tenn., thence over Tennessee Highway 52 to junction Tennessee Highway 51, thence over Tennessee Highway 51 to the Kentucky-Tennessee State line, thence over Kentucky Highway 163 to Tompkinsville, Ky., and return over the same route; and (5) between Chattanooga, Tenn., and junction Tennessee Highway 53 with Interstate Highway 40, serving no intermediate points, but serving Chattanooga, Tenn., and the junction of Tennessee Highway 53 with Interstate Highway 40 for purposes of joinder only; From Chattanooga over Interstate Highway 24 to junction Tennessee Highway 53, thence over Tennessee Highway 53 to junction Interstate Highway 40, and return over the same route; and (B) authority sought over irregular routes for the transportation of *pallets* from Albany, Ky., to Clintwood, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Monticello or Burkesville, Ky., or Nashville, Tenn.

No. MC 139151 filed September 11, 1973. Applicant: CANUS TRUCKING LTD., 225 Isabel Street, Winnipeg, Manitoba, Canada R3A 1H1. Applicant's representative: Chester A. Zyblut, 1522 K



Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from the ports of entry on the International Boundary line, between the United States and Canada at or near Noyes, Minn., to points in North Dakota, Minnesota, Wisconsin, Iowa, and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139187 filed August 27, 1973. Applicant: BARNEY H. DELOACH AND AQUILLA T. DELOACH, a partnership, doing business as BARN STORAGE AND TRANSFER, 2803 Lafayette Street, Fort Myers, Fla. 33901. Applicant's representative: T. Rankin Terry, Jr., P.O. Drawer X, Fort Myers, Fla. 33902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight*, (1) between points in Lee County, Fla.; (2) between Fort Myers and points in Collier County, Fla.; and (3) between points in Collier County, Fla., restricted against transportation of motor fuels in tank trucks, household goods, road building and construction aggregates, and heavy hauling.

NOTE.—By the instant application, applicant seeks to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at either Fort Myers or Miami, Fla.

No. MC 13918, filed September 10, 1973. Applicant: BREYER EXCHANGE, INC., Route 3, New Philadelphia, Ohio 44663. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, in bulk, between points in Ohio, West Virginia, Michigan, Pennsylvania, New York, and Kentucky; (2) *lime, limestone, and limestone products*, from Carey, Ohio, and Holmes Township (Crawford County), Ohio, to points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Virginia, West Virginia, North Carolina, Maryland, Michigan, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, South Carolina, Alabama, Georgia, Mississippi, Louisiana, and the District of Columbia; (3) *materials used in the manufacture of lime and limestone products*, from the destination States named in (2) above, to Carey, Ohio and Holmes Township (Crawford County), Ohio; and (4) *salt and salt compounds*, in bulk, between points in Ohio and Michigan, on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Virginia, West Virginia, North Carolina, Maryland, Michigan, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, South Carolina, Alabama, Georgia, Mississippi, Louisiana, and the District of Columbia.

NOTE.—Applicant states that it presently holds contract carrier authority which will

be surrendered if the authority sought in this instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

#### MOTOR CARRIER OF PASSENGERS

No. MC 29890 (Sub-No. 39), filed September 11, 1973. Applicant: ROCKLAND COACHES, INC., 126 N. Washington Avenue, Bergenfield, N.J. 07621. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, (1) Between Washington Township and Paramus, N.J.; From junction Garden State Parkway and Washington Avenue (Interchange No. 168) in Washington Township, over Garden State Parkway to junction New Jersey Highway 17 (Interchange No. 163) in Paramus, and return over the same route, serving all intermediate points and serving junction Garden State Parkway and New Jersey Highway 17 for purpose of joinder only; (2) Serving the Park-Ride lot at the Vince Lombardi Service Center on the New Jersey Turnpike in Ridgefield, N.J. via access roads to and from the Turnpike, as an intermediate point in connection with carrier's regular-route authority between Clarkstown (Rockland County), N.Y. and New York, N.Y., restricted against service at intermediate points along the New Jersey Turnpike; (3) Between Palisades Park and Ridgefield, N.J.; From junction Grand Avenue and W. Columbia Avenue in Palisades Park over Grand Avenue to U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Turnpike, thence over New Jersey Turnpike to proposed service point at Vince Lombardi Service Center in Ridgefield, and return over the same route, serving no intermediate points; (4) Between points in Washington Township, N.J.:

From junction Pascack Road and Washington Avenue, over Washington Avenue to junction Garden State Parkway (Interchange No. 168), and return over the same route, serving all intermediate points; (5) Between Westwood and Washington Township, N.J.: From junction Washington Avenue and Lafayette Avenue in Westwood, over Washington Avenue to junction Pascack Road in Washington Township, and return over the same route, serving all intermediate points; (6) Between Washington Township and Paramus, N.J.: From junction Pascack Road and Ridgewood Road in Washington Township, over Pascack Road to junction Oradell Avenue in Paramus, thence over Oradell Avenue to junction Garden State Parkway (Interchange No. 165) in Paramus, and return over the same route, serving all intermediate points; and (7) Between Oradell and Paramus, N.J.: From junction Oradell Avenue and Forest Avenue at the Oradell-Paramus boundary line, over Oradell Avenue to junction Pascack Road to Paramus, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 74761 (Sub-No. 19), filed September 20, 1973. Applicant: TAMAMI TRAIL TOURS, INC., 455 East 10th Avenue, Hialeah, Fla. 33010. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, between Atlanta and Albany, Ga.: From Atlanta over Interstate Highway 75 to junction Interstate Highway 475 (Macon bypass), thence over Interstate Highway 475 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Georgia Highway 257 at Cordele, thence over Georgia Highway 257 to junction Georgia Highway 50 (also U.S. Highway 82), thence over Georgia Highway 50 to Albany, and return over the same route, serving no intermediate points between Atlanta and Cordele and serving Cordele and all intermediate points between Cordele and Albany on southbound movements for pickup purposes and on northbound movements for discharge purposes only.

NOTE.—Applicant indicates that this application seeks authority over superhighways pursuant to 49 CFR 1042.1. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Albany, Ga.

No. MC 104656 (Sub-No. 12), filed September 17, 1973. Applicant: MANDRELL MOTOR COACH, INC., Fifth Avenue, Denton, Md. 21629. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip sightseeing and pleasure tours, in special operations, beginning and ending at points in Kent and Sussex Counties, Del.; Queen Annes, Caroline, Talbot, Kent, and Dorchester Counties, Md., and extending to points in the United States including Alaska (but excluding Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denton, Md.

#### BROKER APPLICATIONS

No. MC 130214, filed September 20, 1973. Applicant: MARION C. DOUGHERTY, doing business as MARION TRAVEL SERVICE, Price and Narberth Avenues, Narberth, Pa. 19072. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Narberth, Pa., to sell or offer to sell the transportation of *passengers and groups of passengers, and their baggage*, in special and charter operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in



Delaware, Montgomery, and Philadelphia Counties, Pa., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Delaware, Virginia, Maryland, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 130218, filed September 13, 1973. Applicant: SENIOR CITIZEN TOURS, E. 11905 23rd, Spokane, Wash. 99206. Applicant's representative: Margaret Boyanovsky (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Spokane, Wenatchee, and Tacoma, Wash., and Missoula, Mont., to sell or offer to sell the transportation of passengers and their baggage in the same vehicle with passengers, restricted to passengers over 45 years of age (senior citizens), in packaged tours, from points in Washington, Idaho, and Montana, to points in the United States (including Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

#### WATER CARRIER APPLICATION(S)

No. W-552 Sub 16, filed October 24, 1973. Applicant: AMERICAN COMMERCIAL BARGE LINE COMPANY, a Corporation, 1701 East Market Street, Jeffersonville, Ind. 47130. Applicant's representative: W. A. Kernan (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a common carrier by water in the transportation of general commodities and regulated towage by non-self-propelled vessels with the use of separate towing vessels from Old Hickory, Tenn., to Celina, Tenn., on the Cumberland River, inclusive.

NOTE.—Applicant indicates that the requested authority will be tacked with its existing authority in W-552 (Sub-No. 13) at Old Hickory, Tenn. to serve numerous waterways throughout the eastern half of the United States. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

#### FREIGHT FORWARDER APPLICATION(S)

No. FF-426 (Sub-No. 1), filed October 29, 1973. Applicant: EXPRESS FORWARDING AND STORAGE CO., INC., 19 Rector Street, New York, N.Y. 10006. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by railroad, motor vehicles, water and express, in the transportation of General commodities (except household goods, as defined by the Commission, unaccompanied baggage, used automobiles, and commodities in bulk), in containers, between the ports of Baltimore, Md.; Boston, Mass.; Houston, Tex.; New Orleans, La.; Norfolk, Va.; Detroit, Mich.; Savannah, Ga.; and Charleston, S.C.; and ports in Los Angeles Harbor, Calif., and San

Francisco Bay, Calif.; and ports in New York Harbor, located in New Jersey and New York, on the one hand, and, on the other, points in Alabama, California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Michigan, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin; and restricted to import-export shipments having an immediately prior or subsequent movement by water in the nonvessel operating water common carrier (NVO) service of Express Forwarding and Storage Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-24295 Filed 11-14-73; 8:45 am]

[Notice No. 92]

#### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 9, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of and shall include the certification section 247(d)(4) of the special rules, required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 7832 (Sub-No. 25), filed September 25, 1973. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, doing business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, N.J. 07036. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale and retail chain grocery, department stores and food business houses (except commodities in bulk) and, in connection therewith, equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), from points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to warehouses or other facilities of Supermarkets General Corporation located at Mahwah, Woodbridge, Stelton (Camp Kilmer), and Cranford, N.J., under contract with Supermarkets General Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 11207 (Sub-No. 338), filed September 27, 1973. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Bldg, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Composition board,



and materials, and supplies used in the distribution and installation thereof (except in bulk), from the facilities of The Celotex Corporation located in Marion County, S.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 20992 (Sub-No. 29), filed September 24, 1973. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, and implements*; (2) *loaders and attachments*; and (3) *parts, accessories, and attachments of or for commodities described in parts (1) and (2) above, moving independently therewith or in connection therewith*, from Madison, S. Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 22426 (Sub-No. 15), filed September 10, 1973. Applicant: LONGVIEW MOTOR TRANSPORT CO., a Corporation, P.O. Box 1366, Longview, Wash. Applicant's representative: Kenneth G. Thomas, 620 Southwest Fifth Avenue, Suite 1010, Portland, Ore. 97204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Portland and Ranier, Ore.: From Portland over U.S. Highway 30 to Ranier, and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 25798 (Sub-No. 247), filed September 29, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 (except hides and commodities in bulk, in tank vehicles),

from the plantsite of Madison Foods, Inc., located at Madison, Nebr., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at the above named plantsite and destined to the above named states.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29120 (Sub-No. 170), filed September 28, 1973. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry moulding sand treating compounds, in bags, and water impendence boards*, from the facilities of American Colloid Co., located at or near Belle Fourche, S. Dak., to points in Michigan, Minnesota, Missouri, Wisconsin, North Dakota, Nebraska, Kansas, Tennessee, Kentucky, points in that part of Indiana on and south of U.S. Highway 30, and points in that part of Ohio on and south of U.S. Highway 33, to Columbus, Ohio and points in that part of Ohio on and south of U.S. Highway 40, restricted to the transportation of shipments originating at the above named origin and destined to the above named destinations.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Rapid City, S. Dak.

No. MC 29886 (Sub-No. 301), filed September 21, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Slag*, between the facilities of H. B. Reed & Company, Inc., located at or near Bow, N.H., on the one hand, and, on the other, points in Pennsylvania.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 480), filed September 24, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk) and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) vehi-

cles, from the plantsite and warehouse facilities of M&M/Mars, Division of Mars, Incorporated at Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 481), filed September 25, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., located in Madison, Nebr., to points in Alabama, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named plantsite and destined to the above named States.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Washington, D.C.

No. MC 33641 (Sub-No. 106), filed August 31, 1973. Applicant: IML FREIGHT, INC., 2175 S. 3270 West, Salt Lake City, Utah 80317. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite of Sorority, Inc., at Salt Lake City, Utah, to points in Iowa, Kansas, Missouri, Nebraska, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 43421 (Sub-No. 47), filed September 24, 1973. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4016 Ninth Street, P.O. Box 1237, Rock Island, Ill. 61201. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment) serving the



plantsite and distribution center of The Toro Company at Burnsville, Minn., as an off route point in connection with carriers regular route operations to and from the Minneapolis-St. Paul, Minn., Commercial Zone.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 50069 (Sub-No. 470), filed September 24, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Huntington, Ind., to points in Ohio.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52598 (Sub-No. 4), filed September 25, 1973. Applicant: SIOUX CITY REFRIGERATED EXPRESS, INC., P.O. Box 1054, Friend, Nebr. 68359. Applicant's representative: John L. Ross, 69 Woodland Circle, Edina, Minn. 55424. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractor wheels, wheel rims, and related mounting hardware, hubs, and clamps*, from Plainfield, Ill., to West Point and Fremont, Nebr.; (2) *tractor tires*, from Elk Grove Village, Ill., to West Point and Fremont, Nebr.; and (3) *raw rubber for recapping tires*, from Muscatine, Iowa, to West Point and Fremont, Nebr., under contract with D and S Tire Sales, West Point, Nebr.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Minneapolis, Minn.

No. MC 82492 (Sub-No. 88), filed September 20, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Appleton, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 82841 (Sub-No. 129), filed September 21, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 "T" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment used in the manufacture of fertilizer spreaders, fertilizer applicators, and trailers used to transport recreational vehicles*, from points in Michigan to Lenox, Iowa.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 99685 (Sub-No. 4), filed September 4, 1973. Applicant: G. I. TRUCKING COMPANY, a Corporation, 13727 Alondra Boulevard, La Mirada, Calif. 90638. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, motor vehicles and livestock), between points within an area bounded by a line beginning at the junction of California Highways 118 and 27, and extending over California Highway 118 to Junction California Highway 7, thence over California Highway 7 to Junction Rinaldi Street, thence over Rinaldi and Workman Streets to the boundary of the City of San Fernando, thence along the boundary of the City of San Fernando and its prolongation to the boundary of the Angeles National Forest, thence along the boundary of the Angeles National Forest and the San Bernardino National Forest to U.S. Highway 395, thence over U.S. Highway 395 to Junction U.S. Highway 99, thence over U.S. Highway 99 to Redlands, thence along an imaginary line to Junction U.S. Highway 395 and 60, thence over U.S. Highway 395 to Junction Cajalco Drive, thence over Cajalco Drive to Junction Mockingbird Canyon Road, thence over Mockingbird Canyon Road and Van Buren Street to junction California Highway 18, thence over California Highway 18 and U.S. Highway 91 to Junction California Highway 55, thence over California Highway 55 to the Pacific coastline, thence along the Pacific coastline to a point directly south of junction Alternate U.S. Highway 101 and California Highway 27, thence over California Highway 27 to the point of beginning, on the one hand, and, on the other, (a) all points and places located on U.S. Highway 101 between Santa Maria and Paso Robles, Calif., (b) all points between the Junction of Interstate Highway 5 and California Highway 14 and Mojave, Calif., inclusive, via California Highway 14, and (c) all off-route points within fifteen (15) miles of the routes described in (a) and (b).

**NOTE.**—Applicant seeks by this application to convert its Certificate of Registration into Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 104589 (Sub-No. 26), filed September 11, 1973. Applicant: J. L. LAWHON TRUCKING, INC., P.O. Box 1384, Bradenton, Fla. 33505. Applicant's representative: David C. Venable, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Beverages, beverage preparations, beverages and juice concentrates, fruits and fruit products*, from points in Manatee and St. Lucie Counties, Fla., to points in Alabama, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Tennessee, South Carolina, Virginia, and the District of Columbia, under a continuing contract with Tropicana Products Sales, Inc. and (2) *such commodities as are dealt in or used by wholesale floor covering and appliance distributors*, from points in Kansas, Oklahoma, and Texas, and those in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to points in Florida, under a continuing contract or contracts with Tropicana Product Sales, Inc. and Cain & Bultman, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Orlando, Tampa, or Jacksonville, Fla.

No. MC 107064 (Sub-No. 99), filed September 27, 1973. Applicant: STERE TANK LINES, INC., P.O. Box 2998-2808 Fairmont Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite of Farmland Industries, Inc. Nitrogen plant, located at or near Enid, Okla., to points in Arkansas, Colorado, Kansas, Missouri, Texas, and Louisiana, restricted to shipments originating at the above named plantsite and destined to points in the above named states.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 107295 (Sub-No. 657) (AMENDMENT), filed July 30, 1973, published in the FEDERAL REGISTER issue of September 20, 1973, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cabinets, wooden, parts thereof and counter tops, with and without vinyl covering and plastic, and sinks set-up and knocked down*, from Boise Cascade Corporation plantsite and warehouse, located at points in West Virginia, and those in Berryville, Orange, and Winchester, Va., on the one hand, and, on the other, to points in the United States, including Alaska (but excluding Hawaii).



NOTE.—The purpose of this republication is to indicate the location of the Boise Cascade Corporation plantsite and warehouse facilities at points in West Virginia, in lieu of West, Va., which was previously published in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 862), filed September 24, 1973. Applicant: MAT-LACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Dow Chemical, U.S.A. at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at said plantsite.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 107515 (Sub-No. 877), filed September 19, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above-named plant site and destined to the above-named states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 108053 (Sub-No. 123), filed September 26, 1973. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report

in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named states.

NOTE.—Common control may be involved. The applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108987 (Sub-No. 15), filed September 10, 1973. Applicant: POOLE TRANSFER, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment), serving the terminal site of Roadway Express, Inc. at Chicago, Heights, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109449 (Sub-No. 17), filed September 19, 1973. Applicant: KUJAK BROS., TRANSFER, INC., 352 Junction Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap iron*, between points in La Crosse County, Wis., on the one hand, and, on the other, points in Wabasha County, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul, or Winona, Minn.

No. MC 110140 (Sub-No. 11), filed September 27, 1973. Applicant: MAYO ROBISON, doing business as LUMBER TRUCKING SERVICE, 943 S. Nebraska St., Seattle, Wash. 98108. Applicant's representative: Richard A. Derham, 4200 Sea 1st National Bank Bldg., Seattle, Wash. 98154. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Grays Harbor County, Wash., to the ports of entry on the International Boundary line between the United States and Canada at or near Blaine and Lynden, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

No. MC 110525 (Sub-No. 1071), filed September 19, 1973. Applicant: CHEMI-

CAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid plastics*, in bulk, in tank vehicles, from the plant site of E. I. du Pont at or near Wurtland, Ky. to Arkansas, Indiana, Ohio, New Jersey, Virginia, and West Virginia, restricted to traffic originating at the named plant site and destined to the indicated destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 113), filed September 19, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above named plant site and destined to the above named states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111401 (Sub-No. 395), filed August 31, 1973. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Melklejohn, Jr., Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in New Mexico to points in Arizona and Colorado.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 111729 (Sub-No. 404), filed September 4, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling*



supplies, and advertising material related thereto (excluding motion picture film used primarily for commercial theatre and television exhibition), between Fargo, N. Dak., on the one hand, and, on the other, points in South Dakota; and (2) business papers, records, audit and accounting media of all kinds, and advertising material, (a) between Findlay, Ohio, on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind.; Champaign, Ill.; Louisville, Ky.; and Lansing, Mich.; (b) between Chicago, Ill., on the one hand, and, on the other, Genoa and Gypsum, Ohio; (c) between Troy, N.Y., on the one hand, and, on the other, Darien, Greenwich, and Norwalk, Conn.; (d) between Atlanta, Ga., on the one hand, and, on the other, Montgomery, Ala., points in Tennessee, west of the Tennessee River, and points in Florida, Mississippi, and Virginia; (e) between Indianapolis, Ind., and Youngstown, Ohio; (f) between Peoria, Ill., on the one hand, and, on the other, points in Missouri, Ohio, and West Virginia; and (g) between Chicago, Ill., on the one hand, and, on the other, points in Iowa.

**NOTE.**—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore, dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked in (1) at Fargo, N. Dak., to provide a through service in (Sub-No. 143) between points in South Dakota, on the one hand, and, on the other, Minnesota; in (2) (a) at Findlay, Ohio to provide a through service in (Sub-No. 169) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio; in (2) (b) and (g) at Chicago, Ill., to provide a through service in (Sub-No. 180) between Wisconsin, on the one hand, and, on the other, Genoa and Gypsum, Ohio and points in Iowa; in (2) (d) at Atlanta, Ga., to provide a through service in (Sub-No. 202) between points in North Carolina and South Carolina, on the one hand, and, on the other, the destination territory named herein; in (2) (e) at Indianapolis, Ind. (1) to provide a through service in (Sub-No. 148) between Danville, Ill., on the one hand, and, on the other, Youngstown, Ohio; and (2) at Indianapolis, Ind., to provide a through service in (Sub-No. 152) between Louisville, Ky., on the one hand, and, on the other, Youngstown, Ohio; and in (2) (f) at Peoria, Ill., to provide a through service in (Sub-No. 327) between Hammond, Ind., on the one hand, and, on the other, the destination States named herein, but indicated it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112627 (Sub-No. 19), filed September 24, 1973. Applicant: OWENS BROS., INC., Box 247, Dansville, N.Y. 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Malt beverages, from Newark, N.J.; Merrimack, N.H.; Ft. Wayne, Ind. and Columbus, Ohio, to Elmira Heights and Lakeville, N.Y. and empty tin cans (ranging from 1 lb. through 10 lb.), from Cranbury, N.J., to Dansville, N.Y.; and

(3) alcoholic beverages, from New York, N.Y.; points in Westchester and Nassau Counties, N.Y.; points in Bergen, Hudson, Passaic, Essex, Union, and Middlesex Counties, N.J.; and Philadelphia, Pa., to Chicago, Ill.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 112971 (Sub-No. 1), filed August 10, 1973. Applicant: CONTRACT PIPE CARRIERS, INC., 900 Sixth Avenue, Croydon, Pa. 19020. Applicant's representative: Ralph C. Busser, Jr., 448 School House Lane, Philadelphia, Pa. 19144. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Concrete products, concrete pipe, manhole chambers, fittings, supplies and equipment used in the manufacture thereof, from the plants of the Atlantic Concrete Products Company in Falls Township (Bucks County), Pa., to plants of the Atlantic Concrete Products Company and job sites located at points in Delaware, Maryland, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, under contract with Atlantic Concrete Products Company.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Doylestown, Pa.

No. MC 113362 (Sub-No. 260), filed September 21, 1973. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 8th Ave. NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen potatoes and potato products, from the plantsite of Western Potato Service, Inc. at Grand Forks, N. Dak., to points in Ohio, Pennsylvania, Kentucky, Tennessee, West Virginia, Virginia, Maryland, and New Jersey.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Fargo, N. Dak.

No. MC 133485 (Sub-No. 10), filed September 25, 1973. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 1620 Eye Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Stocks, bonds, securities, bullion, legal tender, monies, negotiable instruments, stamps, precious metals, precious stones, jewelry and rare objects, between points in Rhode Island, Connecticut, and New York; and (2) bullion, coin and precious metals, between points in New Jersey, on the one hand, and, on the other, points in New York and Connecticut.

**NOTE.**—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Providence, R.I. to serve points in New York,

New Jersey, and Southern Massachusetts. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I. or New York, N.Y.

No. MC 113678 (Sub-No. 514), filed September 17, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Fresh or frozen poultry products and frozen foods; and (2) Commodities the transportation of which is partially exempt under the provisions of Section 203(b) of the Interstate Commerce Act, when moving in the same vehicle at the same time with (1) above, from the plantsite and storage facilities of Louis Rich Foods, Inc. located at or near West Liberty, Iowa, to points in Colorado, Utah, Nevada, Arizona, California, Washington, Oregon, Idaho, Montana, New Mexico, Wyoming, Nebraska, and Kansas.

**NOTE.**—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority (a) in Sub-No. 380 (on frozen bakery products) at West Liberty, Iowa to provide a through service from Marysville, Pa., to points in Nevada, Idaho, and Wyoming; (b) in Sub-No. 157 (on frozen meats) at Greeley, Colo. to serve points in Oklahoma and Texas; and (c) in Sub-No. 133 (on frozen foods) at West Liberty, Iowa to provide a through service from Carlstadt, N.J., the New York, N.Y. Commercial Zone, and points in Union County, N.J., to points in the destination States named above. Other tacking possibilities exist but are not sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Denver, Colo.

No. MC 113678 (Sub-No. 516), filed September 26, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; restricted to traffic originating at and destined to the points named above.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 517), filed September 26, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common car-



rier, by motor vehicle, over irregular routes, transporting: *Meats, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Madison Foods, Inc., at Madison, Nebr., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia; restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named states.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (Sub-No. 518), filed September 26, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, frozen potato products*, from the plant and warehouse facilities of Western Potato Service, Inc., at or near Grand Forks, N. Dak. to points in Colorado, Oklahoma, Texas, Kansas, Missouri, Arkansas, Tennessee, North Carolina, South Carolina, Georgia and Florida.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Minneapolis, Minn., or Denver, Colo.

No. MC 113855 (Sub-No. 281), filed July 19, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marlon Road S.E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities which because of size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and (2) *self-propelled articles, each weighing 15,000 lbs. or more, and related machinery, tools, parts and supplies moving in connection therewith*, restricted to commodities which are transported on trailers, between points

in Illinois, Wisconsin and Iowa, on the one hand, and, on the other, points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi and Arkansas.

**NOTE.**—Applicant states that the requested authority can be tacked with Subs 1, 80, 84, 147, 217, and 251, on transportation of size and weight commodities or self-propelled articles weighing 15,000 lbs. or more, at points in Iowa, Illinois, or Wisconsin to provide a service between points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Arkansas, on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Nebraska, Colorado, Idaho, Oregon, Washington, Nevada, and California and in addition with Sub 63, at Elgin, Ill. to provide service between points in South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Arkansas, on the one hand, and, on the other, points in Indiana, Kentucky, West Virginia, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia; however, such tacking would, in many instances, involve undue circuitry. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 114019 (Sub-No. 251), filed September 26, 1973. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named States.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 148), filed September 18, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles),

from the plantsite of Madison Foods, Inc., at Madison, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-named plantsite and destined to the above-named States.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 168), filed September 17, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Appleton, Wis. to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the plantsite and storage facilities of Rich Products at Appleton, Wis. and destined to the named destination States.

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114533 (Sub-No. 284), filed September 25, 1973. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Arnold Burke, Suite 1133, 127 N. Dearborn, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Grand Rapids, Mich., on the one hand, and, on the other, points in Allen, Huntington, Adams, Grant, Miami, Wabash, Whitley, Kosciusko, Fulton, Marshall, DeKalb, Noble, La Grange, Elkhart, St. Joseph, La Porte, Porter, Lake, Steuben, and Wells Counties, Ind.

**NOTE.**—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Detroit, Mich.

No. MC 115162 (Sub-No. 282), filed September 19, 1973. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, wood chips, lighter fluid, and fireplace logs*, (1) from Dickinson, N. Dak. to points in South



Dakota, Iowa, Nebraska, Kansas, Colorado, Oklahoma, New Mexico, and Texas, (2) from Jacksonville, Ocala, and Rome, Fla., to points in Mississippi, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, New Jersey, Delaware and the District of Columbia, and (3) from Branson, Mo., to points in Nebraska, Iowa, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, Delaware, and the District of Columbia.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Jacksonville, Fla.

No. MC 115331 (Sub-No. 349), filed September 14, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants, and gaskets (except Oil Field Commodities as defined in MERCER-Extension Oil Field Commodities, 74 M.C.C. 459), from the new plantsite and storage facilities of the Clow Corporation at Columbia, Mo., to points in the United States (except Alaska and Hawaii).*

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 115841 (Sub-No. 459), filed September 24, 1973. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, Birmingham, Ala. 35204. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts; tools; paints, stains and varnish; solvents and compounds; wire, magnets and parts thereof (except commodities requiring special equipment and commodities in bulk), between Columbus, Ohio, on the one hand, and, on the other, points in Washington, California, Oregon, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Georgia, and Florida.*

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Columbus, Ohio; (2) Chicago, Ill.; or (3) Washington, D.C.

No. MC 116544 (Sub-No. 144), filed September 24, 1973. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, P.O. Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Clerfield Cheese Co., located at or near Clinton, Mo., to points in Arizona, California, Colorado, and New Mexico, restricted to traffic originating at Clinton, Mo.*

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Dallas, Tex.

No. MC 116544 (Sub-No. 146), filed September 28, 1973. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Kraft Foods located at or near Springfield, Mo., to points in Arizona, California, Colorado, and New Mexico, restricted to traffic originating at the named origin and destined to points in the named destination States.*

**NOTE.**—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Kansas City, Mo.

No. MC 117497 (Sub-No. 7), filed September 24, 1973. Applicant: LUDWIG-McINTOSH BULK HAULERS, INC., 49704 Mott Road, Belleville, Mich. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke, in bulk, in dump vehicles, from Detroit, Mich., to points in Starke County, Ind.*

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 117686 (Sub-No. 143), filed September 17, 1973. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North (P.O. Box 417), Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 309 Badgerow Bldg., Sioux City, Iowa 51101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat prod-*

*ucts, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the above-named plantsite and destined to the name destination states.*

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 117669 (Sub-No. 3), filed September 27, 1973. Applicant: WHEELWAYS, INC., 499 Central Avenue, New Providence, N.J. 07974. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electrical equipment, supplies, fittings, fixtures, accessories, materials, supplies and equipment used or useful in the production of the commodities named above, between Union, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York (except New York, N.Y. and points in Westchester, Nassau, and Suffolk Counties, N.Y.), Rhode Island and Vermont.*

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 118431 (Sub-No. 15), filed September 14, 1973. Applicant: DENVER SOUTHWEST EXPRESS, INC., 8716 L Street, Omaha, Nebr. 68127. Applicant's representative: David R. Parker, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, between the plantsites and facilities of Kitchens of Sara Lee at Deerfield and Chicago, Ill., and New Hampton, Iowa, restricted to a transportation service to be performed under a continuing contract or contracts with Kitchens of Sara Lee.*

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119493 (Sub-No. 102), filed July 9, 1973. Applicant: MONKEN COMPANY, INC., W. 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Asphalt roofing cement (except in bulk), from Joliet, Ill., to points in Missouri; (2) roofing materials (except in bulk), from the plant site and*



warehouse facilities of Lloyd A. Fry Roofing Co., located at Oklahoma City, Okla., to points in Arkansas, Kansas, and Missouri; and (3) roofing asphalt, in containers (except in tank vehicles), from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, Oklahoma, and Arkansas, and pallets and empty containers, on return.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119765 (Sub-No. 32), filed September 19, 1973. Applicant: HENRY M. NELSEN, INC., 1548 Locust Street, Avoca, Iowa 51521. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates M.C.C. 209 and 766* (except hides and commodities in bulk), from the plantsite of John Roth and Son in Omaha, Nebr. to Atlanta, Ga.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119789 (Sub-No. 183), filed September 27, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products and plastic materials* (except in bulk) when moving in mechanically refrigerated equipment, from points in Howard County, Tex., to Phoenix, Ariz. and points in California.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or El Paso, Tex.

No. MC 119934 (Sub-No. 195), filed September 24, 1973. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from New Orleans, La., to points in Kentucky.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or New Orleans, La.

No. MC 121060 (Sub-No. 27), filed September 18, 1973. Applicant: ARROW TRUCK LINES, INC., P.O. Box 5568, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, 919

18th St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies used in the distribution and/or installation thereof* (except in bulk), from the facilities of The Celotex Corporation in Marion County, S.C., to points in the United States on and east of the western boundaries of the states of Minnesota, Iowa, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana (except that portion of Louisiana west of the Mississippi River).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla. or Washington, D.C.

No. MC 123048 (Sub-No. 283), filed September 26, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*, (2) *rock pickers*, (3) *pipe and pipe fittings*, (4) *accessories and attachments* for (1), (2), and (3) above, and (5) *parts* for (1), (2), (3), and (4) above, from Gering, Nebr., Antigo, Wis., Presque Isle, Maine, and Grand Forks and Grafton, N. Dak., to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Chicago, Ill.

No. MC 123744 (Sub-No. 13), filed September 21, 1973. Applicant: BUTLER TRUCKING COMPANY, a Corporation, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pipe, conduit, wrought iron or steel*; (2) *fittings therefor*; and (3) *conduit pipe or tubing, welded steel, not exceeding 4 inches O.D., unloaded by mechanical unloader furnished by the carrier*, (a) from the plantsite and facilities of Jones and Laughlin Steel Corporation located at or near New Kensington, Pa., to points in Kentucky, Tennessee, Virginia, Michigan, New York, Illinois, Massachusetts, Rhode Island, Vermont, Connecticut, Maine, Maryland, Ohio, Indiana, New Jersey, New Hampshire, Delaware, and the District of Columbia, and (b) from the plantsite and facilities of Jones and Laughlin Steel Corporation located at or near Niles, Ohio, to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, New York (except points west of U.S. Highway 15), New Jersey, Pennsylvania (except points west of U.S. Highway 219),

Virginia, Maryland, Delaware, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 124078 (Sub-No. 561) (CORRECTION), filed August 15, 1973, published in the FEDERAL REGISTER issue of October 31, 1973, and republished as corrected this issue. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer material and urea*, and (2) *aluminum furnace residue unsuitable for future metal extraction*, (a) from the facility of C. F. Industries, Inc., at or near Cincinnati, Ohio, to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, and (b) from Mount Pleasant, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—The purpose of this republication is to correct the commodity description in (2) above. Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority on (a) dry fertilizer and fertilizer materials at Chicago Heights, Ill., to serve points in Iowa and Wisconsin; (b) anhydrous ammonia at Cowden, Ill., to serve points in Iowa and Missouri; (c) chemicals, fertilizer and fertilizer ingredients at East Dubuque, Ill., to serve points in Iowa, Kansas, Missouri, Nebraska, South Dakota, Maine, and Wisconsin; (d) fertilizer and fertilizer ingredients at East St. Louis, Ill., to serve points in Missouri (with exceptions); (e) dry fertilizer and fertilizer ingredients at Fulton, Ill., to serve points in Iowa and Wisconsin; (f) liquid fertilizer and fertilizer ingredients at Fulton, Ill., to serve points in Iowa and Wisconsin; (g) liquid fertilizer and fertilizer ingredients at Streator, Ill., to serve points in Iowa and Wisconsin; (h) dry fertilizer and fertilizer ingredients at Henry, Ill., to serve points in Iowa, Minnesota, Missouri, and Nebraska; (i) chemicals, fertilizer and fertilizer ingredients at Niota, Ill., to serve points in Kansas, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; (j) anhydrous ammonia at Peru, Ill., to serve points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; (k) anhydrous ammonia, fertilizer and fertilizer ingredients at Tilton, Ill., to serve points in Iowa, Minnesota, Missouri, and Wisconsin; (l) dry fertilizer, fertilizer ingredients and fertilizer compounds at Indianapolis, Ind., to serve points in Kentucky; and (m) liquid fertilizers at Logansport, Ind., to serve points in Kentucky and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124174 (Sub-No. 98), filed September 19, 1973. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Boulevard, Spencer, Iowa 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate



as a common carrier, by motor vehicle, over irregular routes, transporting: *Hides, skins, pieces thereof, tannery products, byproducts and supplies* (except liquid commodities in bulk in tank vehicles), (1) from points in Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, and Wyoming, to Denver and Eaton, Colo.; Sioux City and Council Bluffs, Iowa; Seneca, Solomon, and Wichita, Kans.; St. Paul, Minn.; Rock Port, St. Joseph, and St. Louis, Mo.; Gibbon, Hastings, and Omaha, Nebr.; and Oklahoma City, Okla.; (2) from points in Arkansas, Kansas, Missouri, and Oklahoma, to points in Texas; Chicago, Ill.; New Albany, Ind.; New Orleans, La.; St. Louis, Mo.; and Nashville, Tenn.; (3) from points in Alabama, Georgia, Mississippi, and South Carolina, to points in Texas; Chicago, Ill.; Evansville, Ind.; Muscatine, Iowa; New Orleans, La.; Detroit, Mich.; Buffalo, N.Y.; Chattanooga and Kingsport, Tenn.; and Richmond and Norfolk, Va.; (4) between East Cape Girardeau, Ill., and Cape Girardeau, Mo.; and (5) between Hazelwood, N.C. and points in Tennessee, Texas, Virginia, and New Orleans, La., for joinder only in (4) and (5) above with applicant's other authorized interstate operations. Applicant further seeks specific authority to the ports of entry on the International Borders which are included in the request for authority as described above.

NOTE.—Applicant states that transit privileges and/or tacking between any portion of Parts (1), (2), and (3) may occur. Applicant further indicates that other tacking possibilities exist at the destination points sought herein in Iowa, Nebraska, Kansas, Missouri, Oklahoma, Minnesota, Tennessee, Texas, Illinois, Virginia, Michigan, and New York, to serve numerous points throughout the United States. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124212 (Sub-No. 74), filed September 17, 1973. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1101 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, (1) from the plantsites of Lehigh Portland Cement Company located at Alsen, N.Y., and Providence, R.I., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (2) from the plantsites of Lehigh Portland Cement Company at Union Bridge and Baltimore, Md., to points in Delaware, Maryland, Pennsylvania, New Jersey, Virginia, West Virginia, and the District of Columbia; (3) from the plantsites of Lehigh Portland Cement Company at Waynesboro and Richmond, Va., and Durham, N.C., to points in North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia; (4) from the plantsites of Lehigh Portland Cement Company located at Mitchell and

Anderson, Ind., Decatur, Plainfield, and South Beloit, Ill., and Cedar Rapids, Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Tennessee, and Wisconsin; (5) from the plantsites of Lehigh Portland Cement Company located at Fargo, N. Dak., Burnsville Township (Dakota County), Minn., and Mason City, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (6) from the plantsites of Lehigh Portland Cement Company located at Metaline Falls, Spokane, and Pasco, Wash., and Missoula, Mont., to points in Idaho, Montana, Oregon, and Washington.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124213 (Sub-No. 8), filed September 26, 1973. Applicant: SWIFT-LINES, INC., 7878 I Street, Omaha, Nebr. 68127. Applicant's representative: Robert D. Givold, 1000 First National Bank Bldg. Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant-site of Madison Foods, Inc., Madison, Nebr. to points in Illinois, Iowa, Indiana, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the above-named plant-site and destined to the above-named states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 124802 (Sub-No. 11), filed October 10, 1973. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Brick, tile, clay and refractory products and materials, supplies, and equipment* used in the manufacture and installation of the aforesaid commodities, between Summerville, Pa., on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, Minnesota, Maine, New Hampshire, and Vermont; and (2) *refractory and clay products, and materials and supplies* used in the installation thereof, (a) from Columbiana, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont,

Virginia, and West Virginia; and (b) from Frostburg, Md., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in (1) above at Summerville, Pa., to provide a through service from points in Maryland, New York, Ohio, and West Virginia to the destination States named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125687 (Sub-No. 13), filed September 20, 1973. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bags and wrapping material*, from Huntington, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Rhode Island, Virginia, Pennsylvania, New Hampshire, Maine, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127090 (Sub-No. 3), filed September 24, 1973. Applicant: PACIFIC STORAGE, INC., 440 East 19th Street, Tacoma, Wash. 98421. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, used household goods, commodities in bulk, and those which because of size or weight require the use of special equipment), between Seattle, Wash., on the one hand, and, on the other, Tacoma, Wash., restricted to shipments originating at or destined to the distribution facilities of Washington-Oregon Shippers Cooperative Association, Inc., and Clipper Express located at Seattle, Wash., on traffic having an immediate prior or subsequent out-of-state movement.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 127539 (Sub-No. 30), filed September 24, 1973. Applicant: PARKER REFRIGERATED SERVICES, INC., 3533 E. 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 130 Andover Park East Seattle, Wash. 98188. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from



Long Beach, Calif., to points in Oregon and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Los Angeles, Calif.

No. MC 127651 (Sub-No. 16), filed September 24, 1973. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham Street, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Louis, Mo., to Stetsonville and Marshfield, Wis., and (2) *return of empty containers*, from Stetsonville and Marshfield, Wis., to St. Louis, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Marshfield or Madison, Wis.

No. MC 127834 (Sub-No. 93), filed September 26, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Ave., Nashville, Tenn. 37203. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Laundry machines, in container service*, from Kenner, La., to Savannah, Ga.; Charleston, S.C.; Wilmington, N.C.; Norfolk, Newport News, and Portsmouth, Va.; Baltimore, Md.; Wilmington, Del.; Newark, N.J.; New York, N.Y.; and Philadelphia, Pa., restricted to shipments having a subsequent movement by water in foreign commerce, and (2) *empty containers*, from the above named destination territory, to Kenner, La.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 128273 (Sub-No. 144), filed September 19, 1973. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Stone and stone products*, from points in Costilla County, Colo., to points in Arkansas, California, Iowa, Louisiana, Minnesota, Missouri, Texas, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochin-county Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128273 (Sub-No. 145), filed September 20, 1973. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum alloys, aluminum products, and articles and aluminum foil back with paper and pulp-board* (except commodities in bulk and commodities which because of size and weight require use of special equipment), from Ravenswood, W. Va. and Newark and Belpre, Ohio, to points in Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128874 (Sub-No. 2), filed September 19, 1973. Applicant: NEW YORK EXPRESS, INC., 135-30 Rockaway Blvd., Jamaica, South Ozone Park, N.Y. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Aircraft parts, and commodities used in the maintenance of aircraft*, between airport facilities of Pan American World Airways located in New York, N.Y., and Newark, N.J., and Bradley Field, East Hartford, Hartford, and Windsor Locks, Conn., and Boston, Mass., under a contract or contracts with Pan American World Airways located at or near Jamaica, New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129973 (Sub-No. 9), filed September 21, 1973. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, New York, N.Y. 10022. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Business and trade directories, registers and guides; credit reference books; and related publications, business materials and supplies*, (1) between points in Nassau, Suffolk, Westchester, Orange, Rockland, Putnam, New York, The Bronx, Queens, Kings, and Richmond Counties, N.Y., and Monmouth, Mercer, Middlesex, Somerset, Hunterdon, Union, Essex, Morris, Hudson, Bergen, Passaic, and Sussex Counties, N.J.; (2) between points in Cook, DuPage, Kane, Kendall, Lake, and Will Counties, Ill. and Lake County, Ind.; and

(3) between points in Suffolk, Essex, Middlesex, Worcester, Norfolk, Bristol, Plymouth, and Barnstable Counties, Mass., and Hillsborough County, N.H., under contract with Dun & Bradstreet, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133106 (Sub-No. 33), filed September 24, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) *Pipe fittings, connections, pipe, bars and rods, valves, castings and nipples*, from Princeton, Ky., Henderson, Tenn., and Augusta, Ark., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and (B) *articles used in the manufacture of the commodities named in part (A)*, from the destinations named in part (A), to the origins named in part (A), under a continuing contract or contracts with International Telephone and Telegraph Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Kansas City, Mo.

No. MC 133106 (Sub-No. 34), filed September 24, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Pipe fittings, connections, pipe, bars and rods, valves, castings and nipples* from Princeton, Ky.; Henderson, Tenn.; and Augusta, Ark., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *articles used in the manufacture of the commodities named in part (1)* from the destinations named in (1) above to the origins named in (1) above under continuing contract or contracts with International Telephone and Telegraph Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Kansas City, Mo.

No. MC 133133 (Sub-No. 8), filed September 21, 1973. Applicant: FULLER MOTOR DELIVERY CO., a Corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Bldg., Cincinnati,



Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt products*, from points in Hamilton County, Ohio, to points in Indiana, Kentucky, and West Virginia.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Louisville, Ky.

No. MC 133189 (Sub-No. 3), filed September 20, 1973. Applicant: VANT TRANSFER, INC., 5075 NE. Mulcare Drive, Minneapolis, Minn. 55421. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the facilities of North Star Steel Company at Newport, Minn., to points in Iowa, restricted to the transportation of shipments originating at the described facilities and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture of iron and steel articles, from points in Iowa, to the facilities of North Star Steel Company at Newport, Minn., restricted to the transportation of shipments destined to the facilities of North Star Steel Company at Newport, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 134145 (Sub-No. 39), filed September 18, 1973. Applicant: NORTH STAR TRANSPORT, INC., U.S. Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, computing, and parts, materials and supplies* (except commodities in bulk), used in the manufacturing thereof, (1) between Campton, Ky., and Nashville, Tenn., on the one hand, and, on the other, Rochester and Mount Clemens, Mich.; (2) between Campton and Lexington, Ky.; (3) from Kalamazoo, Mich., to Nashville, Tenn.; (4) from Nashville, Tenn., to Minneapolis, Minn., Dayton, Ohio and O'Hare Terminal near Chicago, Ill.; and (5) from Niles and Chicago, Ill., Minneapolis, and St. Paul, Minn., to Rochester and Mount Clemens, Mich., under contract with Computed Peripherals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134321 (Sub-No. 4), filed September 24, 1973. Applicant: HAROLD W. HOLT, Route 1, Manchester, Tenn. 37355. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Semi-finished wooden furniture*

*parts, unassembled*, from the plantsite of Campbell and Dann Manufacturing Company, Tullahoma, Tenn., to points in Arkansas, Mississippi, and Missouri, under a contract with Campbell and Dann Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville or Chattanooga, Tenn.

No. MC 134501 (Sub-No. 9) (CORRECTION), filed August 31, 1973, published in the FEDERAL REGISTER issue of October 17, 1973, and republished as corrected this issue. Applicant: UFT TRANSPORT COMPANY, a corporation, P.O. Box 1118, Irving, Tex. 75060. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from Riverside and Beverly, N.J., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate the commodities as new furniture and fixtures, in lieu of new furniture fixtures which was previously published in error. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 134735 (Sub-No. 2), filed September 21, 1973. Applicant: EDWIN J. ROLPH, 2931 West Pierson, Phoenix, Ariz. 85017. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Steel roof decking*, (a) from Phoenix, Ariz., to points in Louisiana, Arkansas, Missouri, Kansas, Nebraska, Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Montana, Wyoming, Idaho, Washington, Oregon, Oklahoma, and Minnesota; and (b) from Fontana, Calif., to points in Arizona; (2) *Lumber*, from points in Utah to Phoenix, Ariz.; and (3) *Paint*, from Dallas and Fort Worth, Tex. to Phoenix, Ariz., under contract with Verco Manufacturing, Inc., Phoenix, Ariz.; and (B) (1) *Clay, asbestos and cement pipe*, from points in Los Angeles, Orange, and Riverside Counties, Calif., to points in Arizona; (2) *Iron and steel valves and iron and steel pipe*, from points in Los Angeles, and Orange Counties, Calif.; Denver, Colo.; Salt Lake City, and Provo, Utah; Council Bluffs, Iowa; Aurora, Ill.; and Dallas, Tex.; to points in Arizona; and (3) *Fire hydrants and accessories*, from St. Paul, Minn., to points in Arizona, under contract with Statewide Valve and Fitting Company, Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 134755 (Sub-No. 36), filed September 17, 1973. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner, P.O. Box 3772, Springfield, Mo. 65804. Appli-

cant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles) from the site of the plant of Iowa Beef Packers, Inc., located at or near Emporia, Kans., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia; and (2) *meats, meat products, and meat by-products*, from Wichita, Kans., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia.

NOTE.—Applicant states that it is presently performing the operations requested herein via a Springfield, Mo. gateway in (1) above by tacking Sub-Nos. 16 and 32, and in (2) above by tacking Sub-Nos. 199 and 16. The sole purpose of this application is to eliminate the necessity of providing service through the Springfield, Mo. gateway. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Omaha, Nebr.

No. MC 134922 (Sub-No. 53), filed September 24, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture crated*, and (2) *furniture parts, materials and supplies*, used in the production and distribution of furniture, between Little Rock, Ark., on the one hand, and, on the other, points in the United States (except Alaska, Arkansas, and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135871 (Sub-No. 18) (CORRECTION), filed August 20, 1973, published in the FEDERAL REGISTER issue of October 31, 1973, and republished as corrected this issue. Applicant: H.G.M. TRANSPORT COMPANY, a Corporation, 1079 West Side Avenue, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are dealt in by department stores, and supplies and equipment used in the conduct of such business*, between Jersey City, N.J., and New York, N.Y., on the one hand, and, on the other, Columbus, Ohio, under con-



tract with Schottenstein's, Columbus, Ohio.

**NOTE.**—The purpose of this republication is to indicate applicant's correct name which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 136008 (Sub-No. 13) (CLARIFICATION), filed August 27, 1973, published in the FEDERAL REGISTER issue of October 31, 1973, and republished as clarified this issue. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Inola and Porum, Okla., to the plantsites of General Portland, Inc., at Fredonia, Kans., and Fort Worth and Dallas, Tex.

**NOTE.**—The purpose of this republication is to reaffirm applicant's assigned Docket Number which was referenced in error in the previous publication. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 136318 (Sub-No. 14), filed September 27, 1973. Applicant: COYOTE TRUCK LINE, INC., 395 West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Appomattox, Va., to points in Washington, Oregon, California, Montana, Idaho, Nevada, Arizona, Utah, New Mexico, Colorado, and Wyoming, under contract with Thomasville Furniture Industries.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Raleigh, N.C.

No. MC 136570 (Sub-No. 6), filed September 27, 1973. Applicant: BARNETT BROS., INC., Outer Eighth and Posey Streets, Henderson, Ky. 42420. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skidboards, wooden appliance bases and lumber*, from Henderson, Ky., to points in Tennessee, North Carolina, Indiana, Ohio, Illinois, Missouri, Mississippi, Georgia, Alabama, South Carolina, Virginia, West Virginia, and Pennsylvania.

**NOTE.**—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind. or Louisville, Ky.

No. MC 138287 (Sub-No. 1), filed September 25, 1973. Applicant: RICHARD D. TOWNSEND AND NORMA L. LEE, A Partnership, doing business as CANON MOVING AND STORAGE CO., 112 South Pile St., Clovis, N. Mex. 88101.

Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Curry, De Baca, Guadalupe, Quay, and Roosevelt Counties, N. Mex.; and Bailey and Farmer Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 138441 (Sub-No. 2), filed September 20, 1973. Applicant: CARL N. SHEFFIELD, doing business as, S & S TRANSPORT COMPANY, 10001 North Main Street, Jacksonville, Fla. 32218. Applicant's representative: O. C. Beakes, 1009 Barnett Bank Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet brewers' residuals*, from Jacksonville, Fla., to points in Georgia on and south of U.S. Highway 80, under contract with Williamson Feed Mills, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138548 (Sub-No. 1), filed August 9, 1973. Applicant: INDIANOAKS TRANSPORTATION CO., a Corporation, 10346 S. Indianapolis Blvd., Chicago, Ill. 60617. Applicant's representative: James R. Madler, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Skokie, Chicago, Chicago Heights, and Rock Island, Ill., on the one hand, and, on the other, points in Illinois, Iowa, Missouri, Wisconsin, Minnesota, Nebraska, and Colorado.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority in the lead docket (pending) at Bradley, Ill. to provide a through service from Skokie, Chicago, Chicago Heights, and Rock Island, Ill. to points in Indiana and Michigan. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138548 (Sub-No. 2), filed August 27, 1973. Applicant: INDIANOAKS TRANSPORTATION CO., a Corporation, 10346 S. Indianapolis Blvd., Chicago, Ill. 60617. Applicant's representative: James R. Madler, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Container ends and iron and steel articles*, between points in Porter County, Ind., on the one hand, and, on the other, points in Illinois, Iowa, Missouri, Wis-

consin, Minnesota, Nebraska, and Colorado.

**NOTE.**—Applicant states that the requested authority can be tacked with its existing authority at Bradley, Ill., to provide a through service from points in Porter County, Ind., to Indiana and Michigan. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138678 (Sub-No. 2), filed September 21, 1973. Applicant: CMX, INC., 1389 South Third Street, P.O. Box 19, Memphis, Tenn. 38101. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower—5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions and scrapped aluminum*, between Hernando, Miss., and Newton, Kans., under contract with AMAX Aluminum Extrusion Products, Inc.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 138835 (Sub-No. 2) (AMENDMENT), filed August 8, 1973, published in the FEDERAL REGISTER issue of September 20, 1973, and republished as amended this issue. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 1059, Harrisonburg, Va. 22801. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Morton Frozen Foods, Division of Continental Baking Company, at Crozet, Va., to points in North Carolina, South Carolina, Georgia, Maryland, Missouri, Iowa, Kentucky, Indiana, Michigan, Ohio, Tennessee, West Virginia, Maine, New Hampshire, Vermont, Wisconsin, Illinois, Virginia, Minnesota, Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

**NOTE.**—Common control may be involved. Applicant indicates that the requested authority can be tacked with its existing authority: (1) at Crozet, Va., on frozen foods, to provide service between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, points in West Virginia and those in that part of Virginia west of U.S. Highway 1; and (2) at Crozet, Va., on frozen foods, to serve points in Wisconsin. The purpose of this republication is to indicate applicant's tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 138835 (Sub-No. 3) (AMENDMENT), filed August 8, 1973, published in the FEDERAL REGISTER issue of September 20, 1973, and republished as amended this issue. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 1059, Harrisonburg, Va. 22801. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-



ing: *Frozen foods and materials and supplies* used in the manufacture thereof, from points in Maine, New Hampshire, Vermont, Kentucky, Indiana, Michigan, Ohio, Tennessee, West Virginia, Illinois, Virginia, Minnesota, Wisconsin, Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, to the warehouse and plant facilities of Morton Frozen Foods Division, Continental Baking Company, located at Crozet, Va.

NOTE.—Common control may be involved. Applicant indicates that the requested authority can be tacked: (1) at Crozet, Va. and points in Atlantic and Cumberland Counties, N.J., on frozen foods, to provide service between the New Jersey Counties on the one hand, and, on the other, points in West Virginia and those in that part of Virginia west of U.S. Highway 1; (2) at Crozet, Va., on frozen foods to serve points in Kentucky, Indiana, Michigan, Ohio, Tennessee, West Virginia, Maine, New Hampshire, Vermont, Illinois, Virginia, Minnesota, Wisconsin, Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; (3) at the Pillsbury Corp. in the New Albany, Ind. Commercial Zone, on prepared foodstuffs, to serve points in Missouri, Illinois, Indiana, Ohio, West Virginia, Kentucky, Tennessee, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia; (4) at Madison, Wis., on meats, meat products, meat by-products and articles distributed by meat packinghouses, to serve points in Maryland, Virginia, West Virginia, Delaware, North Carolina, and the District of Columbia; (5) at Toledo and Cleveland, Ohio, on frozen bakery goods, to serve Crozet, Va. (without the plantsite restriction); and (6) at Cleveland, Ohio, on frozen foods, to serve points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. The purpose of this republication is to indicate the tacking information. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 138875 (Sub-No. 10), filed September 28, 1973. Applicant: SHOE-MAKER TRUCKING CO., a Corporation, 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals and compressed auto bodies and parts*, and (2) *recycleable waste materials*, between points in Idaho, Oregon, and Washington, on the one hand, and, on the other, points in Oregon, Washington, California, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Ore.

No. MC 138991 (Sub-No. 2), filed September 27, 1973. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J.; Merrimack, N.H.; and Columbus, Ohio, to Rochester, N.Y., and *empty containers and pallets* on re-

turn, under contract with Lake Beverage Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 139087 (Sub-No. 1), filed September 25, 1973. Applicant: P K DELIVERY CO. INC., 422 Ferguson Road, New Castle, Del. 19720. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, materials, equipment, supplies and machinery*, between the Greater Wilmington Delaware Airport and points in Maryland, New Jersey, Pennsylvania, and Delaware, restricted to shipments cosigned to or from an automotive assembly plant and further restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 139105, filed September 4, 1973. Applicant: RONALD ALVIN FRITZ, Box 117, Castana, Iowa 51010. Applicant's representative: Richard R. Andersen, 1500 Woodmen Tower, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories* (except commodities in bulk), between the facilities of American Parts System, Inc., located at Omaha, Nebr., and Oakland, Harlan, Denison, Ida Grove, Mapleton, and Onawa, Iowa, under contract with American Parts System, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 139189 filed August 15, 1973. Applicant: ALLEN G. STAMM, 356 Main Street, Turbotville, Pa. 17772. Applicant's representative: Preston L. Davis, 37 Arch Street, Milton, Pa. 17847. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Greases, in cans, in cases, and in drums*, not requiring special equipment to handle because of size or weight, from Congo (Hancock County), W. Va., to Williamsport (Lycoming County) and Northumberland (Northumberland County), Pa., under contract with Central Pennsylvania Oil Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Williamsport or Harrisburg, Pa.

No. MC 139190 filed September 27, 1973. Applicant: GERALD KOCH, R.F. D. No. 1, Sabetha, Kans. 66534. Applicant's representative: Erle W. Francis, Suite 719—700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean oil meal*, in bulk, bags and containers, from the facilities and warehouses of Lincoln Grain Co., located at or near Atchison, Kans., to points in

Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, under contract with Lincoln Grain Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans. or Kansas City, Mo.

No. MC 139204 filed August 28, 1973. Applicant: FRITHJOF CARSON, St. Stephen, New Brunswick, Canada. Applicant's representative: George F. O'Connell, 40 Charlotte Street, Saint John, N.B., Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips*, in bulk, from ports of entry on the International Boundary line between the United States and Canada located at or near Maine, to Woodland, Maine, under a contract or contracts with the Georgia Pacific Corporation of Woodland, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Bangor, Augusta, or Portland, Me.

#### MOTOR CARRIER PASSENGERS

No. MC 26451 (Sub-No. 16), filed September 17, 1973. Applicant: INTERMOUNTAIN TRANSPORTATION COMPANY, a Corporation, 7-9 Main Street, Anaconda, Mont. 59711. Applicant's representative: John L. McKeon, 124 Oak Street, Anaconda, Mont. 59711. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and package express and newspapers* in the same vehicle with passengers, between Great Falls and Missoula, Mont.: From Great Falls over Interstate Highway 15/U.S. Highway 91 to Vaughn, thence over Montana Highway 200 to Milltown, thence over Interstate Highway 90/U.S. Highway 10 to Missoula, and return over the same route, serving the intermediate points of Vaughn, Sun River, Ft. Shaw, Simms, Bowman's Corner, Lincoln, Ovando, Clearwater, Potomac, Bonner, and Milltown, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Helena or Billings, Mont.

No. MC 114492 (Sub-No. 14), filed September 18, 1973. Applicant: TRANSPORT TRUCKING CO. OF TEXAS, a Corporation, 1400 Wheeler Avenue, Texico, N. Mex. 88135. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles and trucks* (¾ ton or less), in secondary movements, in truckaway service, between points in Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Colorado, restricted against the transportation of used passenger automobiles and used trucks (¾ ton or less), from Amarillo and Lubbock, Tex., to points in Colorado.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing



authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Amarillo, Tex.

No. MC 116674 (Sub-No. 1), filed August 9, 1973. Applicant: JOSEPH F. PRINCIPE, doing business as CANADIAN-AMERICAN TRAVEL BUREAU, 1260-95th Street, Niagara Falls, N.Y. 14304. Applicant's representative: Joseph F. Principe (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in tour operations from April 1st through October 31st inclusive, beginning and ending at Niagara Falls, N.Y., and extending to the port of entry on the International Boundary line between the United States and Canada located at or near Niagara Falls, N.Y.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 138795 (AMENDMENT), filed May 21, 1973, published in the FEDERAL REGISTER issue of July 20, 1973, and republished as amended this issue. Applicant: MOTOR EQUIPMENT TRANSPORT, INC., P.O. Box 849, Highway 65B, Conway, Ark. 72032. Applicant's representative: George O. Jernigan, Jr., P.O. Box 3003, Little Rock, Ark. 72032. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, in the transportation of (1) buses, in driveway service, and (2) passengers who are at the same time representatives of the manufacturer or purchasers of new buses and who have been designated by their principals to accompany such buses during the transportation thereof in driveway service, and the baggage and equipment of such representatives, in special operations, from the plant site of Ward School Bus Manufacturing, Inc., at Conway (Faulkner County), Ark., to points in the United States (including Alaska but excluding Hawaii), with return shipments of these commodities in (1) accompanied by the passengers and commodities described in (2), on return, under a continuing contract or contracts with Ward School Bus Mfg., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

#### BROKERAGE LICENSE APPLICATION(S)

No. MC 12613 (Sub-No. 5), filed September 18, 1973. Applicant: WILLIAM

W. LACOCK, doing business as HERITAGE TOURS OF PENNSYLVANIA, P.O. Box 705, Lake City, Pa. 16423. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to engage in operation, in interstate of foreign commerce, as a broker at Erie, Pa., to sell or offer to sell the transportation of passengers and groups of passengers and their baggage, and express and newspapers, beginning and ending at Erie, Pa. and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Erie, Pa.

No. MC 130211 filed September 26, 1973. Applicant: BORIS WINSTON, doing business as GROUP TRAVEL, UNLIMITED, 222 Warren Avenue, Plymouth, Mass. 02360. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Plymouth, Mass., to sell or offer to sell the transportation of passengers and groups of passengers and their baggage, in special and charter operations, beginning and ending at points in Plymouth County, Mass. and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Plymouth or Boston, Mass.

No. MC 130213 filed October 4, 1973. Applicant: TRAVELERS INTERNATIONAL TOUR OPERATORS, INC., 530 Fifth Avenue, New York, N.Y. 10036. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at New York, N.Y., to sell or offer to sell the transportation of passengers and groups of passengers, in charter and special operations, from New York, N.Y.; San Francisco and Los Angeles, Calif.; and Miami, Fla., to points in the United States (except Alaska and Hawaii), restricted to the transportation of passengers having a prior movement in foreign commerce by air or ship.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130215 filed October 4, 1973. Applicant: MARIE LOUISE McENVOY, doing business as HOUSEHOLD MOV-

ING SERVICES, 55 West 14th Street, New York, N.Y. 10011. Applicant's representative: Arthur M. Gurfein, 2 Park Avenue, New York, N.Y. 10016. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at New York, N.Y. to sell or offer to sell to common and contract carriers, the transportation of household goods, personal effects and new or used office furniture and equipment, between points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130217 filed October 11, 1973. Applicant: ST. PETERSBURG MOTOR CLUB, doing business as AAA WORLD-WIDE TRAVEL AGENCY, 1121 First Avenue, North, St. Petersburg, Fla. 33733. Applicant's representative: Morris J. Levin, 1620 Eye Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at St. Petersburg, and Clearwater, Fla. to sell or offer to sell the transportation of passengers and groups of passengers and their baggage, in special and charter operations in one way and round-trip movements, between points in Pinellas County, Fla., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Petersburg or Clearwater, Fla.

No. MC 130219, filed September 28, 1973. Applicant: FRED M. WOLF, doing business as THE MERRY-GO-ROUND, 1013 Vista Avenue, Boise, Idaho 83705. Applicant's representative: R. M. Robson, 111 Broadway, P.O. Box 1346, Boise, Idaho 83701. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Boise, Idaho, to sell or offer to sell the transportation of passengers and/or groups of passengers, from Boise, Idaho, to Jackpot, Nev. and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-24294 Filed 11-14-73; 8:45 am]



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# **federal register**

THURSDAY, NOVEMBER 15, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 220

PART II



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## **ENVIRONMENTAL IMPACT STATEMENTS**

■

Central Intelligence Agency  
Department of Defense  
National Aeronautics and  
Space Administration  
National Science Foundation  
Tennessee Valley Authority



## DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[ 33 CFR Part 212 ]

[ER 1105-2-507]

ENVIRONMENTAL IMPACT STATEMENTS  
Proposed Policy, Practice, and Procedures

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to supersede the present regulations published in the Notices section of the *FEDERAL REGISTER*, Vol. 38, No. 70, Thursday, April 12, 1973. The proposed regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with the preparation and coordination of environmental statements. Amendment of the regulation is necessary to provide guidance to Corps of Engineers installations in order to conform to proposed modifications to Preparation of Environmental Impact Statements: Guidelines, Council on Environmental Quality (*FEDERAL REGISTER*, Vol. 38, No. 147, Wednesday, August 1, 1973), and in order to modify various (intra-agency) administrative procedures.

The appendices referred to in the regulation will be published separately with the exception of Appendix C, Preparation of Environmental Statements, in which some significant changes are proposed, and Appendix G, Preparation of Inventories, which is proposed as a new addition. Prior to adoption of the proposed regulation consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, attention: DAEN-CWP-V, on or before December 31, 1973.

Until final regulations are promulgated by the Secretary of the Army (acting through the Chief of Engineers) ER 1105-2-507, dated February 16, 1973, will provide guidance to all Corps of Engineers installations on the processing of environmental impact statements.

Dated October 31, 1973.

RUSSELL J. LAMP,  
Colonel,

Corps of Engineers Executive.

DEPARTMENT OF THE ARMY

Office of the Chief of Engineers

Washington, D.C. 20314

PLANNING, PREPARATION AND COORDINATION OF  
ENVIRONMENTAL STATEMENTS

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Appendix C—Preparation of Environmental Statements.	

## Paragraph

Appendix D—Flow Charts of Chronology Regarding Preparation and Coordination of Environmental Statements.  
Appendix E—Three-year Schedule.  
Appendix F—Coordination With Federal Agencies.  
Appendix G—Preparation of Inventories.

1. **Purpose.** This regulation provides guidance for preparation and coordination of Environmental Statements as required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190), the Council on Environmental Quality Guidelines for Statements on Proposed Federal Actions Affecting the Environment, dated August 1, 1973 and Section 122 of the River and Harbor Act of 1970 (Pub. L. 91-611), which is covered in separate guidelines.

2. **Applicability.** This regulation applies to all elements of the Corps of Engineers with civil works responsibilities for planning, design, construction, management, and regulation of water resource developments and is applicable to pre-authorization and post-authorization project activities.

## 3. References:

a. ER 1165-2-500, "Environmental Guidelines for the Civil Works Program of the Corps of Engineers."

b. National Environmental Policy Act of 1969 (Pub. L. 91-190; 83 Stat. 852; 42 U.S.C. 4331 et. seq.) hereinafter referred to as NEPA.

c. Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970 (35 FR 4247, March 7, 1970) (attached as Appendix A).

d. Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (CEQ) (36 FR 20550, August 1, 1973) (attached as Appendix B).

e. Section 309 of the Clean Air Amendments of 1970 (Pub. L. 91-604; 84 Stat. 1709; 42 U.S.C. 1857 h-7).

f. Freedom of Information Act (Pub. L. 89-487; 81 Stat. 54; 5 U.S.C. 552) hereinafter referred to as Freedom of Information Act.

g. Section 122 of the River and Harbor Act of 1970 (Pub. L. 91-611; 84 Stat. 1823) hereinafter referred to as Section 122, 1970 R&HA.

h. ER 1105-2-502, "Public Meetings."

i. ER 1105-2-11, "Preservation Restoration and Administration of Historic and Cultural Environment."

j. ER 1105-2-12, "Archeological Investigations and Salvage Activities."

k. ER 1105-2-105, "Guidelines for Assessment of Social, Economic, and Environmental Effects."

l. Fish and Wildlife Coordination Act of 1958 (Pub. L. 85-624; 72 Stat. 563; 16 U.S.C. 661 et. seq.).

m. Federal Water Pollution Act Amendments of 1972 (Pub. L. 92-500; 86 Stat. 816; 33 U.S.C. 1151 et. seq.).

n. ER 1105-2-129, "Preservation and Enhancement of Fish and Wildlife Resources."

o. Endangered Species Conservation Act of 1969 (Pub. L. 91-135; 83 Stat. 275; 16 U.S.C. 668 aa et. seq.).



p. ER 1105-2-509, "Statement of Findings."

#### 4. Policy.

a. *General.* From the initiation of pre-authorization planning through post-authorization planning and design, construction, and operation and management, all Corps of Engineers actions will be evaluated in terms of their impact on the environment within this overall policy. NEPA mandates a view of traditional policies and missions in light of NEPA's national environmental objectives:

(1) Early and continuing coordination will be undertaken so as to develop a full interchange of views between the Corps of Engineers officials and appropriate local, State, and Federal agencies and the interested public. These Federal and Federal-State agencies and their relevant areas of expertise include those identified in Appendix II of CEQ's guidelines.

(2) The District Engineer will develop, analyze, and consider all reasonable and feasible alternatives and measures which will enhance, protect and preserve the quality of the environment; restore to the extent practicable environmental quality previously lost; minimize and mitigate to the extent possible unavoidable adverse effects; and analyze and study the environment together with engineering, economic, social, and other considerations to insure balanced decision making in the total public interest.

(3) During Corps of Engineers project planning and related decision making process, a systematic and interdisciplinary approach will be utilized to insure proper weighing and balancing of environmental effects together with the engineering, economic, and social and other considerations affecting the total public interest. Sections 102(2) (A) and (B) of NEPA and Section 122, 1970 R&HA.

#### b. Preparation of the Environmental Statements.

(1) Environmental statements are required by Section 102(2) (C) of NEPA. They will constitute an integral part of the interdisciplinary plan formulation process and will serve as a summation and evaluation of the effects, both beneficial and adverse, that each alternative action would have on the environment and as an explanation and objective evaluation of the finally recommended plan.

(2) Should the District Engineer determine in assessing the impact of a minor action that an environmental statement is not required, the determination to that effect will be placed in the project file. This determination shall be made available to the public upon request and shall include a statement of the facts and the signer's basis and reasons for his decision. It will be signed by the District Engineer or higher commander and brought to the attention of the public in advance of any action by publication in the three-year schedule (paragraph 6) or appropriate other notice. A minor action is defined as one which, following the completion of an environmental assessment, is determined not to have a significant impact on the quality of the human environment. If the District or

Division Engineer is in doubt as to whether or not a statement should be prepared, further guidance must be requested in accordance with 4d. These determinations are reversible should controversy or other later events require an environmental statement to be written.

(3) Prior to forwarding, environmental statements will be carefully reviewed by District and Division Engineers to insure that the statement fully complies with the requirements of this regulation and the references cited herein.

c. *Systematic Review.* NEPA requires an environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. To support the spirit of NEPA fully, a systematic review of all Corps of Engineers actions will be conducted and environmental statements prepared in accordance with paragraph 4b.

d. *Further Policy Guidance.* If after taking all measures within his authority, the District or Division Engineer need further assistance in satisfying the requirements of paragraph 4b, he will report the matter to HQDA (DAEN-CWZ-P) WASH DC 20314, and request the necessary authority or guidance.

5. *Specific Actions Requiring Environmental Statements.* Listed below are types of Corps of Engineers actions that require the preparation of an environmental statement by reporting officers. For actions not identified in this paragraph, reporting officers should request further guidance from HQDA (DAEN-CWZ-P) WASH DC 20314. Environmental statements will be revised or supplemented in accordance with paragraph 7.

a. *Legislation.* Recommendations or reports to the Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects (survey, review, and authorization reports) and other legislation, exclusive of appropriations.

b. *Proposals Under Continuing Authorities.* Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army under special authorities, including reports recommending approval of projects under the following special continuing authorities:

(1) Section 205, 1948 FCA, as amended (Pub. L. 87-874; 62 Stat. 1182; 33 U.S.C. 701s).

(2) Section 107, 1960 R&HA, as amended (Pub. L. 87-645; 74 Stat. 486; 33 U.S.C. 577).

(3) Section 103, 1962 R&HA, as amended (Pub. L. 87-874; 76 Stat. 1178; 33 U.S.C. 577).

(4) Section 2, 1937 FCA, as amended by section 208, 1954 FCA (Pub. L. 208, 75th Congress; 68 Stat. 1266; 33 U.S.C. 701g).

(5) Section 3, 1945 R&HA (Pub. L. 14, 79th Congress; 59 Stat. 23; 33 U.S.C. 603a).

(6) 1909 R&HA, as amended (Pub. L. 317, 60th Congress; 35 Stat. 818; 33 U.S.C. 5).

(7) Section 111, 1968 R&HA (Pub. L. 90-483; 82 Stat. 735; 33 U.S.C. 4261).

c. *Construction or Land Acquisition Not Started.* Initiation of construction or land acquisition on projects (unless exempt under provisions of paragraph 4b) (2) not yet started but for which funds have been appropriated or are provided by the current FY Appropriation Act.

d. *Requests for Initiation of Construction or Land Acquisition.* Budget submissions requesting funds for the initiation of construction or land acquisition on authorized projects.

e. *Continuing Construction or Land Acquisition.* Environmental statements for projects in continuing construction or land acquisition status will be submitted in accordance with the criteria and the schedule established in compliance with paragraph 6. The project will be covered in one comprehensive environmental statement, even if a portion or feature is funded separately. If the project is to be constructed and operated as part of a basin plan or a system of other projects, the environmental effects of the overall plan or system should be covered in reasonable depth.

#### f. Operation, Maintenance, and Management.

(1) Pursuant to the requirements of NEPA, District Engineers are to make an environmental assessment of all projects in an operation and maintenance status. If the assessment indicates that the effects of the individual O&M projects are too insignificant to warrant preparation of a statement he will prepare a written finding to that effect in accordance with the procedures in paragraph 4b(2). If the assessment indicates a statement is needed such statement should be prepared.

(a) Composite statements grouping several projects under a single statement may be prepared when projects serve the same general purpose, are closely associated geographically and involve similar environmental impacts. The composite statement should address the cumulative environmental impacts of the projects as a group rather than on an individual basis. Such grouping of similar projects will be confined to projects in a single class category such as Channel and Harbor, or Lock and Dam, or Flood Control Reservoirs, etc. For example; several small boat harbors along an intercoastal waterway, or several flood control reservoirs which are operated under a network plan, or several harbors either for recreation or commercial purposes in a specific geographical area, could be appropriately covered by a composite statement.

(b) Separate statements for a project should be prepared where the operation and maintenance activities are unique or where known substantial environmental conflicts presently exist or can reasonably be expected to exist.

(2) Certain administrative actions regarding utilization of project resources such as leases, permits, easements and licenses, may lead to significant effects on the environment and therefore would require separate consideration. These



actions may have been included in general terms under the overall project statement; however, separate environmental statements would still be required for those specific actions that are determined by the District Engineer to significantly affect the quality of the environment or to significantly affect future land or resource use.

(3) Exceptions:

(a) Completed projects turned over to local interests for operation and maintenance.

(b) Projects where only infrequent periodic maintenance is performed. Statements may be deferred until funds for maintenance are requested.

g. Regulatory Permits.

(1) Subject to the guidance contained in the regulations on policies and procedures for regulatory permits, an evaluation of the impact of a proposed activity on all aspects of the quality of the environment is required. That evaluation will include consideration of environmental information provided by the applicant, all advice received from Federal, State and local agencies, and comments from the public.

(2) When the District Engineer determines after such evaluation that an environmental statement need not be prepared for the proposed activity, he will follow the procedure outlined in paragraph 4b(2). If a public meeting is to be held in such cases, a summary of environmental considerations will be included with the announcement of the public meeting.

(3) If the District Engineer believes that granting the permit may be warranted but that the proposed activity would significantly affect the quality of the human environment, he will prepare an environmental statement which shall be noted on the three-year schedule pursuant to paragraph 6.

(4) If another Federal agency is the lead agency as defined by Section 1500.7 (b) of the CEQ guidelines, the District Engineer will coordinate with that agency to insure that the resulting environmental statement adequately describes the impact of the activity which is subject to Corps permit authority.

(5) If the proposed activity is part of a continuing program of similar activities in an area for which an overall environmental statement has been filed with CEQ ("umbrella statement"), that "umbrella statement" will be used in the evaluation of the environmental impact of the proposed activity.

(6) If the proposed activity involves fixed structures or artificial islands on the outer continental shelf lands which are under mineral lease from the Bureau of Land Management, Department of the Interior, the District Engineer's decision to issue a Corps of Engineers permit will be based on an evaluation of the impact of the proposed activity on navigation and national security only. An environmental statement by the Corps of Engineers is not required in such cases, and inquiries concerning environmental consideration will be referred to the Department of the Interior.

h. *Non-Federal Participation in Authorized Project.* When a non-Federal agency cooperates with the Corps of Engineers by construction or other participation, a final environmental statement will be prepared by the District Engineer and filed with CEQ prior to advertisement of the work. The non-Federal agency may furnish environmental data; however, the District Engineer will be responsible for independent verification and use of the data and for the environmental statement.

i. *Disposal of Lands for Port and Industrial Uses.* For disposal of surplus project lands for development of port and industrial facilities pursuant to Section 108 of River and Harbor Act of 1960 (Pub. L. 86-645; 74 Stat. 487; 33 U.S.C. 578), the District Engineer will prepare an environmental statement and process it with the proposed action to higher authority.

j. *Research and Development.* Procedures for the development of periodic evaluations and the determination as to whether an environmental statement is required on Civil Works research and development programs, in accordance with Section 1500.6(d) (2) of CEQ guidelines will be included in ER 70-2-3, "Civil Works Research and Development Management System."

6. *Schedule of Submission of Environmental Impact Statements (Reports Control Symbol DAEN-CWO-43).* Each District will develop by the end of each fiscal year, and updated quarterly, a schedule which develops for the following three years the environmental statements to be prepared or revised on projects in Survey, Continuing Authorities, AE&D, Construction, O&M, Permits and Research and Development Status. All schedules and quarterly updates will be submitted in six copies within 30 days of preparation to HQDA (DAEN-CWO-C) WASH DC 20314. HQDA will provide a copy of this schedule to CEQ at this time. Appendix E contains the format for the schedule.

a. Priority effort will be assigned to Continuing Construction projects for which an environmental statement has not been filed with CEQ and Operation and Maintenance projects having a significant impact on the environment or those O&M actions such as dredging which, once taken, preclude adoption of alternative plans.

b. In so far as practicable the schedule should consider the priorities expressed by appropriate Federal, State, and local agencies and the known views of the interested public. The schedule is to be available to the public upon request.

c. Where a composite environmental statement is prepared for a group of O&M projects the listing on the schedule should include the names of all the projects included in the statement.

d. Where the District Engineer's environmental assessment of a proposed action indicates that an environmental statement is not required, such action and the negative assessment will be noted in the three-year schedule and in the annual budget request. Permit applica-

tions for which negative determinations have been made need not be included in the three-year schedule. However, permit negative determinations will be widely distributed via public notice and will conform to requirements in paragraph 4b(2).

7. *Revising or Supplementing Statements.* Whenever necessary, an appropriate revision or supplement to a final environmental statement on file with CEQ shall be prepared by the District Engineer. The extent of the revision and further coordination with other Federal, State, and local governmental agencies and the interested public will be based on the following:

a. If the final environmental statement previously filed clearly failed to comply with the requirements of NEPA: e.g., failed to discuss alternatives or failed to disclose the environmental impacts of the proposed action, or if there has been a major change in the plan of development or method of operation of the proposed action, a new environmental statement (draft and final) must be prepared and filed with CEQ.

b. Whenever the final environmental statement on file becomes deficient because certain environmental effects of the project were not discussed or design features or project purposes were modified significantly subsequent to the filing of the original environmental statement, an appropriate supplement to the final statement shall be prepared. It will be prepared in the draft and final format with a 45-day review and comment period allowed after publication by CEQ in the FEDERAL REGISTER for the draft. The waiting periods outlined in Section 1500.11(b) of CEQ guidelines are not applicable. The draft supplement will be circulated to those who received copies of the original final environmental statement and to other organizations and persons known to have an interest in the project. Both the draft and final supplement will be filed with CEQ and noted in a separate category in CEQ's weekly listing in the FEDERAL REGISTER. Reporting officers will provide 25 copies of all supplements to higher authority (20 for OCE and five for Division Engineers) for processing to CEQ. OCE will notify Division and District Engineers of any revisions made in the final supplement by the Chief of Engineers or the Secretary of the Army in advance of CEQ's notice in the FEDERAL REGISTER. This will allow the District Engineer time to make necessary revisions and have sufficient copies of the final supplement available for timely distribution to all parties.

c. Whenever it is necessary to clarify or amplify a point of concern raised after the final environmental statement was filed with CEQ and the point of concern was considered in making the initial decision or if comments on the final environmental statement are received from Federal, State or local governmental agencies or the public, the clarification, amplification or response to the comments received shall be prepared and filed with CEQ. Coordination and Section 1500.11 (b) of CEQ Guidelines would not be applicable.



8. *Specific Actions Excluded from Statements.* Specifically excluded from the administrative requirement for the preparation of an environmental statement are:

a. Emergency and disaster recovery actions performed under Pub. L. 99, 84th Congress, 69 Stat. 186, 33 U.S.C. 701n, except that for major post-flood restoration or rehabilitation actions, an environmental assessment will be undertaken to determine the environmental consequences of the proposed action. If any formal negative assessments are completed on these actions during the previous three-month period, they will be shown on the next quarterly submission of the three-year schedule. See Appendix E;

b. Emergency Bank Protection for Highways, Highway Bridge Approaches and Public Works, Section 14, FCA of 1946, 60 Stat. 653, 33 U.S.C. 701r;

c. Emergency snagging and clearing accomplished under Section 3, R&HA of 1945, as amended, 59 Stat. 23, U.S.C. 603a; except where disposal of sedimentation and dredged materials are involved;

d. Emergency actions directed by the Federal Disaster Assistance Administration (FDAA) under the provisions of Pub. L. 91-606, 84 Stat. 1744, except where FDAA determines that an environmental statement is required, the District Engineer will provide all necessary information to FDAA upon request;

e. Acquisition of land with appropriations made for the Land Acquisition Fund, initially established by Congress in connection with the passage of the Public Works for Water, Pollution Control and Power Development and Atomic Energy Commission Appropriations Act, 1971 (Pub. L. 91-439).

9. *Considerations in Preparing a Statement.* The environmental statement is to fully discuss the primary and secondary environmental effects including the social and economic impacts of proposed water resources development activities. It should reflect accurately the detailed appraisals and analyses of Federal and State agencies with jurisdiction by law or special expertise with respect to environmental impacts and the concerns, views and comments expressed by conservation and environmental action groups and the public and the author's evaluation thereof. These agencies and their relevant areas of expertise are listed in Appendix II of CEQ guidelines.

a. Environmental statements are public documents and may receive broad exposure in the news media and intense public scrutiny.

b. They should be prepared in coordination with and be reviewed by District Counsel.

c. Environmental investigations leading to the preparation of environmental statements should be undertaken to the same depth and scope as study or project related engineering, economic, and technical studies.

d. The environmental statement will bring together and summarize the various findings of other documents with re-

spect to environmental considerations. It will summarize information and cite sources of overall appraisals and responsible judgments of complex environmental matters and inter-relationships (e.g., water quality by EPA, fish and wildlife resources by the Bureau of Sport Fisheries and Wildlife or other authoritative sources). It should make appropriate reference to those documents which are summarized.

e. Where another agency is directly involved with the Corps in an action or group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to the designation of a lead agency to assume responsibility for the preparation of a single environmental statement to cover all of the Federal actions involved. Section 1500.7(b) of CEQ guidelines provides further guidance on this and multi-agency actions.

f. The environmental statement can be considered as an integral part of the Corps planning process and is only one of the documents upon which a decision on a major Federal action is based. It must be written so as to substantively stand on its own and will be submitted as a separate document for review by the public and other governmental agencies.

g. Environmental statements will be based on CEQ "Guidelines" Appendix B; the guidance of Appendix C, and the following:

(1) Describe the proposed action concisely using simple terms. Describe the environmental impacts sufficiently to reflect a careful assessment, evaluation, and independent appraisal of the favorable and adverse environmental, social and economic effects of the recommended proposal and each considered alternative. In no case will possible adverse effects be ignored or slighted in an attempt to justify an action previously recommended or currently supported. Conversely, avoid overstating either favorable or unfavorable effects. Project maps will be included and photographs used where appropriate.

(2) Discuss significant relationships between the proposed and other existing and proposed developments either public or private which may be affected by the project. This should include a discussion of the geographical setting of the area with and without the project; land usage; general trends and cumulative impacts induced by the project and the significance of the regional, national and international impact of the project, as applicable, supported by information indicating the relative scarcity or abundance of the environmental resources in question and other regional, national and international factors.

(3) Use objective analyses. General cost comparisons are preferable to detailed project cost figures to illustrate the environmental, economic or social trade-offs necessary to achieve objectives.

(4) Comments received in response to the draft environmental statement are to be included in the final environmental statement. Comments can be summa-

rized by topic with appropriate responses. All comments received must be given full consideration and analysis. Irreconcilable opposing views must be included in the final environmental statement and fully discussed.

(5) Discuss any existing State or Federal legislation, program, or study that concerns the study area or would have an effect upon it. Examples of such legislation and studies are those dealing with Wild and Scenic Rivers, Wilderness Areas, National Recreation Areas, National Parks, National Forests, Registered Historic Sites, etc.

(6) The draft environmental statement should discuss coordination activities with the Bureau of Sport Fisheries and Wildlife and the agencies administering the fish and wildlife resources of the concerned State or States in accordance with Section 2(a) of the Fish and Coordination Act of 1958 (reference 3m). It should include appropriate references to reports or documents prepared by these agencies and discussed in the statement and how such information may be obtained. Coordination activities with the National Marine Fisheries Service on proposed actions in the coastal zones should also be discussed. A statement concerning the effect or impact of the proposed action on threatened, rare and endangered species of fish and wildlife should be provided (reference 3.o. and Appendix G).

(7) Include information indicating that the National Register of Historic Places has been consulted and that no National Register properties will be affected by the project, or a listing of the properties to be affected, an analysis of the nature of the effects, a discussion of the ways in which the effects were taken into account, and an account of steps taken to assure compliance with Section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89-665; 80 Stat. 915; 16 U.S.C. 470f) in accordance with procedures of the Advisory Council on Historic Preservation as they appear in the Federal Registers of 15 March 1972 and subsequent issues (reference 3i).

(8) The environmental statement should include a discussion of Steps taken to comply with Sections 2(b) and 1(3) of Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (see ER 1105-2-11 and ER 1105-2-12).

(9) Pertinent correspondence included with the environmental statement should include a written request to the Department of the Interior for investigations of historical, archeological, and paleontological resources and contact with the State Archeologist and the Historic Preservation officer of the State regarding the effect of the proposed action upon these resources within the project area. In addition to necessary coordination with these State officials prior to preparation of the environmental statement, a copy of the draft environmental statement should in all cases be provided them and the Advisory Council on Historic Preservation for review and comment. In the event the Department of the Interior advises in writing that it is



unable to provide timely information on historical, archeological and paleontological resources for inclusion in environmental statements, District Engineers may contract with outside experts to provide limited, reconnaissance-level information. The scope and monetary limitation of these outside contracts has been provided by other guidance.

10. *The Annual Budget.* The time requirements for the filing of final environmental statements, prepared and coordinated in accordance with Section 102 (2) (C) of NEPA, have been established with a view to meeting, to the maximum extent, the requirements specified by the Council on Environmental Quality. (Section 1500.12(b) of the CEQ guidelines.)

a. *Requests for Initiation of Construction and Land Acquisition.* For budget recommendations in this category, final environmental statements must have been filed with the CEQ prior to 1 September of the calendar year in which the budget recommendation is being submitted by Division and District Engineers. However, for non-controversial projects the draft environmental statement must be filed with CEQ by 1 September and the final environmental statement submitted to OCE by 1 November.

b. *Requests for Continuing Construction or Land Acquisition and Operation and Maintenance Activities.* Environmental statements on projects in these categories shall be submitted in accordance with the three-year schedule required by paragraph 6.

c. *Expression of Capability for Initiation of Construction.* Prior to the expression of any construction or land acquisition only capability on a project, a final environmental statement should be on file with the CEQ. For projects for which a draft environmental statement has been filed with CEQ and for which there is a firm schedule for filing the final environmental statement by the second quarter of the budget fiscal year, a qualified capability may be expressed subject to the actual filing of the final environmental statement.

d. *Listings.* The annual budget recommendations of Division Engineers will provide a listing of projects recommended in each budget category indicating the time of actual or scheduled submission of the final environmental statements to the CEQ.

11. *Coordination.* Use existing coordination procedures to obtain the views of Federal, State, and local governmental agencies and the public on review of draft environmental statements. If the project is in litigation, furnish the draft or final environmental statements to all the litigants.

a. *Time limits.* Reporting Officers should establish a time limit of not less than 45 days for reply after date of publication by CEQ in the FEDERAL REGISTER. In the absence of a specific request for an extension of time, a lack of response may be presumed to indicate that the agency consulted has no comment to make. In unusually large and complex actions the 45-day reply period can be

extended to allow agencies and the public adequate time to review and comment on the draft environmental statement. No administrative action will be taken regarding the proposal sooner than 90 days after a draft environmental statement has been filed with CEQ and noticed in the FEDERAL REGISTER, or sooner than 30 days after the final text of an environmental statement has been made available to CEQ and the public and noticed in the FEDERAL REGISTER. Administrative actions are defined for this purpose to include initial land acquisition, advertising of the initial construction contract, and regulator permit approval.

b. *Expedited filing.* In certain exceptional cases where the work must be performed within critical time restraints, but does not fall within the emergency actions listed in paragraph 8, an expedited filing process may be recommended. In such cases, Reporting Officers will provide all information and facts to HQDA (DAEN-CWZ-P) WASH., DC 20314, and request the necessary authority and guidance. At the same time, the Reporting Officer should initiate informal coordination with the appropriate Federal, State, and local agencies to insure prompt review of the environmental statement.

c. *Federal agencies.* (1) Use Appendix B, CEQ "Guidelines," to determine the Federal agencies with jurisdiction by law or special expertise to whom the draft environmental statement is to be sent for comment on the environmental impacts. See Appendix F for special coordination requirements of individual Federal agencies. Draft environmental statements on Civil Works projects to be forwarded to other headquarters elements within the Department of Defense will be submitted to OCE for necessary coordination.

(2) Section 1500.9(b) of CEQ "Guidelines" require in addition to normal coordination procedures, the following coordination with the Environmental Protection Agency (EPA):

(a) Comments of the Administrator or his designated representative will accompany each final environmental statement on matters related to air or water quality, noise control, solid waste disposal, pesticides, radiation criteria and standards, or other provisions of the authority of EPA.

(b) Copies of basic proposals (studies, proposed legislation rules, leases, permits, etc.) will be furnished to EPA with each environmental statement. For actions for which environmental statements are not being prepared but which involve the authority of EPA, EPA will be informed that no environmental statement will be prepared and that comments are requested on the proposal.

d. *State and Local Agencies.* Coordination of the environmental statement with State and local agencies authorized to develop and enforce environmental standards may be obtained directly with the agencies and with the appropriate State, regional, or metropolitan clearinghouses unless the Governor has desig-

nated some other source for obtaining this review. For additional guidance, see ER 1120-2-112, "Coordination of Investigations and Reports with Clearinghouses."

12. *Availability of Statements.* Draft and final environmental statements, including comments received during review, will be made available to the public in accordance with paragraph 14 of this regulation, Section 2(b) of Executive Order 11514, "Protection and Enhancement of Environmental Quality" and Sections 1500.9, .10, and .11 of the CEQ "Guidelines" as follows:

a. *Draft Environmental Statements.* The District Engineer will furnish copies of draft environmental statements to appropriate Federal, State and local governmental agencies and to all persons or groups known to be interested and in addition will furnish copies in response to requests from the public and will furnish public information file copies to the Division office and the appropriate State, regional and metropolitan clearinghouses. Additional copies will be available in the responsible District Engineers office and a copy will also be available for review in the Public Affairs Office in OCE.

b. *Final Environmental Statements.* At the same time as the final environmental statement is filed with CEQ, the District Engineer will furnish copies to those who received the draft environmental statement including those contacted during departmental review of Survey Reports. This is to enable the agency and public an opportunity to comment on the final environmental statement to CEQ and/or the Corps if they so desire, within the 30-day period prior to the administrative actions being taken. Additional copies will be available in the responsible District Engineers office and a copy will also be available for review in the Public Affairs Office in OCE. Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution.

c. *Comments of Other Agencies.* In response to specific requests from the general public, District Engineers will make available the comments received from other agencies on the draft statement prior to the availability of the final environmental statement. Such release of comments will be in accordance with the provisions of the Freedom of Information Act.

d. *Number of Copies.* In order to comply with Section 1500.11(a) CEQ "Guidelines," reporting officers will provide 25 copies of all draft environmental statements to higher authority (20 for OCE and five for Division Engineers) at the time formal coordination with appropriate Federal, State, and local governmental agencies and the public is initiated. Twenty-five copies of the final coordinated statement will be submitted to higher authority (20 for OCE and five for Division Engineers) for further proc-



essing to CEQ. Each planning report submitted should be accompanied by an environmental statement.

**e. Public Review.** News releases concerning draft and final environmental statements by District Engineers will be given as wide a coverage as deemed sufficient to accomplish the purpose of this directive and the intent of Section 1500.9(d) of the CEQ "Guidelines." When significant environmental impacts or public concern have become apparent subsequent to the last public meeting, reporting officers will determine whether a public meeting should be held prior to or during coordination of the statement.

**f. Public Availability.** District Engineers will prepare sufficient copies of draft and final environmental statements to accomplish all required coordination with Federal and State agencies, clearinghouses, affected local governmental entities and organizations representing a legitimate public interest, whether favorable or unfavorable to the proposed project, and respond to reasonable and responsible requests from the general public. In accordance with 31 U.S.C. 483, 5 U.S.C. 552, and Sec. 1500.11 (d) of CEQ "Guidelines," charges to cover reproduction costs may be assessed generally in accordance with the following:

(1) Where cost of reproduction is insignificant compared to collection and accounting costs, draft and final statements will be furnished without charge in single copies to individuals requesting copies. For multiple copy requests, reproduction costs will be recouped from the requestor.

(2) For large environmental statements and where substantial reproduction costs are incurred, individuals requesting copies should be advised that copies are available from the District Engineer at the cost of reproduction and also advised of the nearest point at which copy is available for public inspection. They should also be advised of the availability (at cost) of the Statement from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151 or the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

### 13. Relationship to Project Planning, Construction and Operation.

**a. Project Planning.** In the formulation of new project proposals, environmental considerations will be integrated into the planning process from the beginning. Preliminary identification of possible environmental impacts and effects will be made and discussed fully at early stages in the study. Consultation and coordination with Federal, State, and local agencies which have jurisdiction by law or special expertise with respect to the environmental impacts involved and groups or persons known to be interested will be started as soon as these impacts are identified tentatively and will continue throughout the planning process. Reporting officers will insure that such consultation has been sufficient to identify all significant impacts prior

to forwarding of environmental statements to higher authority.

**(1) Section 122, Effect Assessment.** Effect assessment procedures in response to Section 122, 1970 R&HA are contained in ER 1105-2-105. All significant adverse effects (including environmental) of proposed Corps actions are identified and evaluated and the feasibility and cost of eliminating or minimizing such adverse effects are considered fully in the planning and decision-making process. The effect assessment procedure, particularly the study of the environmental effects of various project alternatives, will provide a valuable source of information for the Environmental Impact Statement.

**b. Authorized Projects.** On projects that were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the opportunity to study and evaluate a full range of alternatives may be more limited. However, to the extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, restoration, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate, in coordination with appropriate Federal, State, and local agencies and the public, the environmental impact of all reasonable alternatives prior to preparing a recommendation or an environmental statement.

**c. Operation, Maintenance, and Management.** In the development of plans for operation, maintenance, and management activities, consider all significant effects on the environment. Such considerations differ from those for a project in planning status and discussion should address only the environmental effects of the operation of the project and ongoing O&M programs. Include alternative uses of available resources when the proposed O&M activity will change the quality of the environment, modify the beneficial uses of the environment, or serve some purposes to the disadvantage of other environmental goals. Typical examples of these activities which could have an impact on the environment are as follows:

(1) Disposal of dredged material in wetlands or marshlands.

(2) Disposal of polluted dredged material in unconfined or open water areas.

(3) Debris collection and disposal activities.

(4) Resource management programs involving the cutting, sale and/or disposal of forest resources; extensive plant disease eradication; predator or vector control; and aquatic plant control.

(5) Reservoir regulation in which some environmental benefits must be sacrificed for other environmental benefits or economic considerations, e.g., drawdown to provide water for power and for downstream water quality control.

(6) Leases, licenses, rights-of-way, administrative permits, and other actions involving use by others of project re-

sources, if impact is significant and not otherwise covered in another environmental statement.

(7) Redesignation of project land under management by the Corps from scenic buffer or "green belt," undeveloped natural area, or wild life management area to more intensive type of public use or some other type of use.

**d. Regulatory Permits.** In evaluating permit applications, the District Engineer will carefully evaluate the effect on the environment of the proposed action considering environmental information provided by the applicant, all advice received from Federal, State and local agencies and comments of the public. Where the environmental effect is believed to be significant, an environmental statement will be prepared, except when an "umbrella statement" has been filed with the CEQ (paragraph 5g above.)

**14. Public Participation.** Procedures for conducting public meetings are outlined in ER 1105-2-502. Public participation will be planned and incorporated into the conduct of the Corps water resources program and must be viewed as an integral part of the planning and administrative process. Public participation is a continuous two-way communication process which involves: keeping the public fully informed on the status and progress of studies and findings of plan formulation and evaluation activities; actively soliciting from all concerned citizens and conservation and environmental groups their opinions and perceptions of objectives and needs; and determining public preferences regarding resources use and alternative development or management strategies plus any other information and assistance relevant to plan formulation and evaluation.

**a. Pre-authorization Project Studies.** Public meetings, informal meetings and workshops within the project area and the use of news media are means to develop free-flowing dialogue to assist in the identification of the environmental concerns and develop appropriate measures within the proposed plan to mitigate, eliminate, or reduce environmental impact. Unresolved environmental conflicts must be clearly set forth with a full and complete discussion of both sides of the issue.

**b. Post-authorization Project Studies.** Public meetings as specified in ER 1105-2-502 will be held during post-authorization planning studies to insure that views of interested parties will be considered in the development of the plan and that all interested parties will be kept informed of study progress. Full coordination with conservative groups and others interested in the proposed project will be maintained during post-authorization planning. A public meeting should be held in special situations such as unusual interest or controversy, unusual time lapse or significant changes in the authorized project or environmental effects where either the public or the Corps, or both, would benefit by the exchange of views and information.

**15. Statement of Findings.** A Statement of Findings (SOF) ER 1105-2-509,



will accompany final environmental statements as a separate and distinct document. The SOF for regulatory permits will be filed with CEQ when a decision on the permit application has been made.

a. On a continuing construction and operation and maintenance projects, an SOF will accompany the environmental statement after the agency and public review comments on the draft environmental statement have been considered and the environmental statement is forwarded to the Division Engineer. The SOF will be signed at each level of review (i.e. District, Division, and OCE) as the environmental statement progresses, indicating concurrences or changes, and the original copy will be returned to the reporting officer for his action file when the final environmental statement is filed with CEQ.

b. In the case of survey reports, an extracted SOF will accompany the revised draft environmental statement when the District Engineer forwards the survey report to the Division Engineer for further review and processing by Federal agencies at Washington level. The extracted SOF will be signed at each level of review (i.e. District, Division, and OCE), indicating changes or concurrences, and submitted to CEQ by the Secretary of the Army with the final environmental statement. A SOF is not required for unfavorable survey reports.

16. *Processing.* Environmental Statements will be prepared by the officer initially preparing the recommendation or report (normally the District Engineer). The initiating officer is recognized as the responsible Federal official within the meaning of Section 102(2)(c) of NEPA except for such changes as reviewing authorities may deem necessary in the original proposal and covering statement, to be consistent with the policies of the Chief of Engineers and the Secretary of the Army. Agency comments and the views expressed should be directed at the environmental impacts and should be no older than 12 months for new proposals nor older than three calendar years for previously authorized projects. More recent coordination will be required if significant changes of fact have occurred in the period since filing that affect the proposal, the action being initiated, or the associated environment.

a. *Survey Reports.*

(1) A written summary of environmental considerations in the project area will be prepared and presented at the Checkpoint I Conference. This summary will be based on information developed in a project-related environmental inventory.

(2) The summary of environmental considerations which includes an analysis of probable environmental effects of the considered project alternatives will be presented at each public meeting in a degree of detail commensurate with that in which the engineering, economic or other aspects of alternatives are discussed.

(3) During the formulation stage public meeting, all anticipated environmen-

tal impacts and effects of each potentially feasible solution under active consideration will be identified and discussed. Environmental data obtained from effect assessment procedures, as required by Section 122, 1970 R&HA, will provide useful data for evaluating various project alternatives. A Summary of Environmental Considerations will be attached or inclosed to the public meeting announcement in order to generate meaningful and thorough discussion during the meeting.

(4) A draft environmental statement will be prepared and circulated for review and comment at least 15 days before late stage meetings. The draft environmental statement will present and discuss the anticipated environmental effects of the plan which may be recommended by the District Engineer along with the probable environmental impacts of the alternative plans considered in the study. The statement will also reflect the information and data inputs provided by the coordination accomplished during the study with various Federal, State, and local agencies.

(5) The District Engineer will transmit, together with the draft environmental impact statement, an appropriate number of copies of advance drafts of the Corps basic decision document—the survey report—to concerned Federal and State agencies for review and comment prior to the late stage meeting. The plan formulation section of the advance draft survey report will be as complete as possible and include appropriate discussions of project alternatives and tentative selection of the plan which the District Engineer considers to provide the best balanced solution which he may ultimately recommend. This review of the project decision document will constitute formal project review at this stage of the planning process; it will also permit the agencies to provide more substantive comments on the draft environmental statement. If the proposed plan subsequently should be modified in response to the comments received, changes will be noted by the District Engineer in later versions of the survey report and will be discussed in revised draft environmental statements.

At the same time, District Engineers will prepare and circulate draft environmental statements for formal review and comment to other appropriate regional Federal and State agencies, local governmental agencies, organized conservation and environmental groups, and the interested public. Letters of transmittal sending out draft environmental statements will indicate that copies of the advance drafts of the Corps basic decision document (the survey report) are available for review in the office of the responsible District Engineers. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN-CWP-E, -C or -W as appropriate) WASH, D.C. 20314, and five for the Division Engineer) for further processing to CEQ. The date published by CEQ in the FEDERAL REGISTER of the draft environmental statement

starts the official agency review period. At the same time of the circulation of the draft environmental statement, the District Public Affairs Office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(6) If the District Engineer desires, he may circulate the draft environmental statement with the announcement of the Late Stage Public Meeting provided a minimum of 15 days is allowed for review and comment between the date of Public availability of the statement and the date of public meeting. In view of the extensive mailing list used in circulating the announcement, the District Engineer need provide draft environmental statements only to those agencies, groups, clubs, and interested citizens listed above. In either case, however, a Summary of Environmental Considerations will be attached to the announcement of the Public Meeting. The announcement will also include a specific reference indicating that the draft environmental statement is in process to or on file with CEQ and that copies are available for public review and comment upon request from the District Engineer and will also be available at the public meeting.

(7) When the District Engineer completes his report, he will finalize his recommended plan of improvement and prepare an appropriately updated and revised draft environmental statement. All comments received will be attached as Appendix A and summarized in Paragraph 9—Coordination With Others. Numerous repetitive comments received from the public should be noted with an appropriate summarization of the issues and Corps response, including a typical letter with a list of names of those submitting similar letters. Paragraph 9 should also discuss the environmental issues raised at the public meeting not included as part of the written comments in Appendix A. The District Engineer will forward the report, the revised draft environmental statement and an extracted SOF to the Division Engineer for further review and processing to BERH and OCE. The Division Engineer will review and comment on the revised draft environmental statement when he submits his report to the Board of Engineers for Rivers and Harbors (BERH). Interested parties also will have an opportunity to comment on the report and the environmental statement subsequent to the Division Engineer's notice when the report and environmental statement are with BERH for review.

(8) BERH and OCE will review the revised draft environmental statement at the same time it reviews the project report. A BERH staff presentation of environmental issues and impacts will be made to the Board with controversial issues receiving special consideration. The Board report will summarize the Board's views upon environmental issues. If extensive revisions are required as a result of BERH or OCE review, the revised draft environmental statement will



revisions and resubmission to BERH or be returned to the reporting officers for OCE as appropriate.

(9) The revised draft environmental statement will be circulated for review and comment with the survey report to the concerned State or States and Federal agencies at the Washington level in accordance with established procedures. The revised draft environmental statement, the proposed report of the Chief of Engineers, the report of BERH and supplemental economic data will be provided CEQ by OCE at this time. Copies of the revised draft environmental statement will be furnished Division and District Engineers. District Engineers will provide public information file copies to the appropriate State, regional and metropolitan clearinghouses and to organized groups or individuals who provided written comments on the draft environmental statement.

(10) Upon completion of Departmental review, all letters and comments received on the revised draft environmental statement will be sent to the District Engineer for preparation on the final environmental statement. The District Engineer will prepare appropriate responses, make necessary revisions to the main text due to comments received and forward (through Division) 30 copies to OCE. It will accompany the Chief's final report on the project to Office, Secretary of Army (OSA). All letters received in OCE during Department review will be furnished BERH or MRC for staff review as considered appropriate. Formal BERH or MRC reconsideration of its previous recommendations will only be accomplished in those instances when the Chief of Engineers determines that new information obtained is of such significance as to warrant reconsideration by the full Board or Commission.

(11) When OSA transmits the final report to Congress, it will also transmit the final environmental statement to CEQ. At the same time OCE will notify Division and District Engineers of the transmittal to allow for timely distribution of the final statement. OCE Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ, is available for review at the Office of the Chief of Engineers and that single copies may be obtained from the District Engineer.

b. *Special Projects and Continuing Authorities.* All required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) A draft environmental statement will be prepared and circulated for review and comment before preparation of the final report and recommendations. The District Engineer will transmit, together with the draft environment impact statement, an appropriate number of copies of the draft DPR to concerned Federal and State agencies for their review and comment. This review of the

project decision document with the draft environment impact statement will permit agencies to provide more substantive comments and will constitute their formal review. If the proposed plan of improvement should be significantly modified as a result of the comments received, additional coordination of the report and environmental statement will be necessary before the District Engineer completes the DPR and final environmental statement. At the same time, District Engineers will prepare and circulate draft environmental statements for review and comment to other appropriate Federal and State agencies, local governmental agencies, organized conservation and environmental groups, and the interested public. When there is a late stage public meeting, this draft environmental statement will be made available to the public at least 15 days before the meeting. Letters transmitting the draft environmental statement will indicate that an advance copy of the draft Corps decision document, the DPR, is available for review in the office of the responsible District Engineer.

(2) Twenty-five copies of the draft statement will be furnished to higher authority (20 for HQDA (DAEN-CWP-E, -C, or -W) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ. Three copies of the advance draft report should accompany the draft environmental statement when set forward. The date of publication by CEQ in the Federal Register starts the 90-day period before the administrative action of project approval can be taken. At the same time the District Public Affairs Office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. The District Engineer may circulate the draft environmental statement with the announcement of the late stage public meeting as discussed in paragraph 16a(6) above. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE.

(3) After receipt and evaluation of agency review comments, comments of the interested public and information obtained at the public meeting the District Engineer will prepare the final environmental statement and complete the project report. The report together with twenty-five copies of the final environmental statement will be forwarded to higher authority (20 for HQDA (DAEN-CWP-E, -C, or -W) WASH DC 20314 and five for the Division Engineer) for further processing.

(4) The Division Engineer will review the project formulation and technical aspects of the project report and the adequacy of the final environmental statement. Upon completion of Division office review, the project report and accompanying statement will be submitted to OCE for further processing.

(5) OCE will review the project report and final environmental statement for policy and procedure. OCE or OSA will

transmit the final environmental statement to CEQ, as appropriate. The date of publication by CEQ in the Federal Register will start the required 30-day period before administrative action can be taken. Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the District Engineer. District Engineers will furnish, in a timely manner, copies of the final environmental statement to the agencies and organizations with whom the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional and metropolitan clearinghouses.

(6) OCE will provide the Division Engineers with notification of project approval and Chief of Engineers authorization to proceed with project work after the final environmental statement has been on file with CEQ for 30 days and all problems or questions have been satisfactorily resolved.

c. *Authorized Projects Not Started.* It is contemplated that all required consultation with Federal, State, and local agencies and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers. See paragraph 14 on Public Participation for guidance on holding public meetings in connection with preparation of statements for authorized projects. Any unsolicited comments received directly by OCE will be furnished to the District Engineer with appropriate instructions.

(1) Prior to submittal of the Phase I General Design Memorandum (ER 1110-2-1150, "Post-Authorization Studies"), the District Engineer will review the environmental statement that was filed with CEQ when the project was authorized, or prepare one if none has been prepared. If the Phase I review indicates that the environmental effects of the project as proposed have not changed significantly from the authorized project, and were adequately and fully covered in the statement, no changes to the statement will be required. This will be noted in the Phase I GDM with a statement that a revised or updated statement will not be required. However, if the review indicates that there are changes in the project which would significantly affect the quality of the environment, or if the environmental effects of the project were not adequately covered in the statement, a new environmental statement (draft and final) must be prepared, with the final environmental statement to accompany the Phase I GDM. See paragraph 7 for procedure for revising or supplementing the final environmental statements. The physical changes in the project and/or changed environmental effects



will be briefly discussed in Phase I GDM including a statement that a revised environmental statement or supplement will be prepared. For projects for which environmental statements are required (paragraph 5, Agency Actions Requiring Statements) and for which the GDM has been previously submitted, environmental statements will be prepared as soon as possible.

(2) The draft environmental statement will be prepared and circulated for review and comment before preparation of the final Phase I GDM. The District Engineer will transmit, together with the draft environmental impact statement, an appropriate number of copies of the draft plan formulation memorandum (Phase I GDM) to concerned Federal and State agencies for their review and comment. This review of the draft Phase I GDM along with the draft environmental impact statement will allow agencies to provide more substantive comments and will constitute their formal review. If the proposed project should be significantly modified as a result of the comments received, additional coordination of the Phase I GDM and draft environmental statement will be necessary before the District Engineer completes the Phase I GDM and final environmental statement. The draft environmental statement will be circulated at the same time by the District for review and comment to other appropriate Federal and State agencies, local governmental agencies, interested conservation and environmental groups and the interested public. When there is a late stage public meeting held in connection with the Phase I study, the draft environmental statement will be made available to the public at least 15 days before the meeting. The letter transmitting the draft environmental statement will indicate that an advance copy of the draft Phase I GDM is available for review in the office of the responsible District Engineer. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN-CWP), Washington, D.C. 20314 and five for the Division Engineer) for further processing to CEQ. Three copies of the draft Phase I GDM should accompany the draft environmental statement when sent forward. Date of publication of the draft environmental statement in the *FEDERAL REGISTER* by CEQ signifies the commencement of the 90-day period before administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. Numerous repetitive comments

may be summarized in the comment and response section of the statement and a typical letter with a list of names of individuals submitting similar letters attached. Twenty-five copies of the final environmental statement will be furnished to higher authority (20 for HQDA (DAEN-CWP-E, -C or -W) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ.

(4) The Division Engineer will transmit 20 copies of the final environmental statement along with his review comments when he submits the Phase I, GDM (if appropriate) to OCE.

(5) OCE will revise the final environmental statement where appropriate. Office, Secretary of the Army will review and transmit the final environmental statement to the CEQ. CEQ will notice it in the *FEDERAL REGISTER* and this action will start the 30-day period before the administrative action can be taken. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the District Engineer.

(6) Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution.

d. *Continuing Construction and Operation and Maintenance.* It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) Paragraphs 5e, 5f, and 6 establish the requirements for preparation of environmental statements regarding Continuing Construction and Operation and Maintenance.

(2) Procedure for the initial submission will be the same as described in c(2) through (7) above except there will be no BERH consideration on any project in continuing construction or O&M status.

(3) For completed projects in operation where a final environmental statement has previously been filed, review will be scheduled in accordance with paragraph 6. Where this review indicates no new information or considerations affecting the previous decision on the plan of operation and no changes are found to be required in the environmental statement, the SOP shall be properly annotated by the District Engineer and concurred in by the Division Engineer. However, if significant changes in the method of operation are planned or have occurred since the statement was filed, the extent of the revision and further coordination of the environmental statement shall be in accordance with paragraph 7.

e. *Regulatory Permit Applications.* For permit actions on which environmental statements are required by paragraph 5g the preparation and coordination of an

environmental statement will be accomplished at field level. In such cases the following actions shall be taken:

(1) The District Engineer will require the applicant to furnish information and an analysis of the environmental impacts of the proposed action. The District Engineer will advise the applicant that the applicant will not be allowed to undertake any work on the proposal for which the permit application is pending.

(2) The draft environmental statement will be circulated by the District for formal review and comment to the appropriate Federal, State, and local agencies, interested citizens, conservation, and environmental groups and in response to requests from the general public. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN-CWO-N) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ. Notice of the draft environmental statement in the *FEDERAL REGISTER* by CEQ starts the 90-day period before the administrative action can be taken. The District Engineer may circulate the draft environmental statement with the announcement of the public meeting as discussed in paragraph 16a(4) above. At the same time the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE. If a Public Meeting is to be held, the draft environmental statement will be filed with CEQ at least 15 days prior to the meeting. A summary of environmental considerations will be included in the announcement of public meeting.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. The final environmental statement will become a part of the official file on the permit. Twenty-five copies of the final statement will be forwarded to higher authority (20 for HQDA (DAEN-CWO-N) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ. If a public hearing is to be held, the proposed final environmental statement must be completed and made available to the public at least 15 days prior to the hearing.

(4) Final action to issue the permit will not be taken until after the final environmental statement is transmitted by the Secretary of the Army to CEQ and it has been noticed in the *FEDERAL REGISTER* for 30 days. If, however, at any time prior to the formal transmittal to CEQ, it is determined that the permit will be denied, the official so determining will inform higher authority and CEQ of the denial and that a final environmental statement will not be filed.



(5) Revisions by higher authority to the final statement will be furnished to the District Engineer as soon as possible, who in a timely manner, will distribute copies of the final environmental statement to the agencies and organizations with which the draft statement was coordinated as well as to appropriate State, regional and metropolitan clearing-houses. The District Public Affairs Office will prepare and issue a news release announcing the filing of the final environmental statement with CEQ and advising the public that single copies are available from the District Engineer.

**1. Disposal of Land for Port and Industrial Uses.** When the District Engineer determines that disposal of surplus project property for development of public sort or industrial facilities in the public interest, he will prepare an environmental statement to accompany his report and recommendation. It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) The District Engineer will prepare a draft environmental statement utilizing information obtained from appropriate Federal, State, and local agencies and applicant. A public meeting may be used to obtain information and views from the interested public. The statement will set forth, among other things, what the applicant intends to develop on the property and the possible uses to be made of it. It will also summarize all constraints which will be placed on the new owner, such as reversionary clause, uses, needs for permits for structures or discharges into navigable waters.

(2) The draft environmental statement will be circulated by the District for formal review and comment to the appropriate Federal, State, and local agencies, interested citizens, conservation and environmental groups and in response to requests from the general public at least 15 days before the public meeting, if one is held in connection with proposed action. Twenty-five copies of the draft environmental statement will be furnished to higher authority (20 for HQDA (DAEN-CWO-M) WASH DC 20314 and five for the Division Engineer) for further processing to the CEQ. Notice of the draft environmental statement in the FEDERAL REGISTER by CEQ starts the 90-day period before the administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(3) After receipt of agency review comments and comments of the interested public, the District will prepare the final environmental statement and attach copies of all comments received. Twenty-five copies of the final environmental statement together with the District Engineer's report and recommendations, as required by ER 405-1-909, will be transmitted to higher authority for further action.

(4) If higher authority decision is favorable to the request for disposal of project lands, the Office, Secretary of the Army will transmit the final environmental statement to the CEQ and will wait until at least 30 days after notice in the FEDERAL REGISTER prior to the issuance of the Public Notice of Disposal as required by paragraph 32.c(2) of ER 405-1-909. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with the CEQ and that single copies are available from the District Engineer.

(5) If higher authority decision is unfavorable to the request, the CEQ will be informed of the denial and that a final environmental statement will not be filed.

(6) Copies of the final environmental statement with all revisions clearly identified will be furnished the Division and District Engineers. District Engineers will furnish copies of the final environmental statement to the agencies and organizations with which the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional, and metropolitan clearinghouses.

For the Chief of Engineers.

RUSSELL J. LAMP,

Colonel,

Corps of Engineers, Executive.

#### SEVEN APPENDICES

Appendix A—Executive Order 11514, "Protection and Enhancement of Environmental Quality."

Appendix B—Council on Environmental Quality Guidelines, "Preparation of Environmental Impact Statements," August 1, 1973.

Appendix C—Preparation of Environmental Statements.

Appendix D—Flow Charts.

Appendix E—Three-year schedule.

Appendix F—Coordination with Federal Agencies.

Appendix G—Preparation of Inventories.

#### APPENDIX C

##### PREPARATION OF ENVIRONMENTAL STATEMENTS

1. General. Preparation of environmental statements will be based on considerations discussed in the CEQ Guidelines, guidelines for assessment of social, economic and environmental effects for civil works projects (Section 122, 1970 R&HA) and the detailed guidance to follow. These directions are intended to assure consistency of effort in preparing statements and are not proposed to induce unthinking uniformity or limit flexibility when preparing the statements. These statements have several levels of importance with reference to the decisionmaking process, Corps relations with the public, and internal project planning activities. A careful, objective detailing of environmental impacts, alternatives, and implications of a proposed project should give reviewers both within and outside the Corps insight into the particular trade-offs and commitments associated with the action and will be summarized in the SOP. The general public, environmental action groups, trade and special interest associations, governmental agencies, and Congressional Committees will all expect the statements to be a valid source of information on project effects, as well as a reflection of how the agency views environmental factors and seeks to accommodate

them. Since the statements will be made available to the public and may receive broad exposure in the media, it can be assumed that they will receive careful scrutiny. Most importantly, preparation of the statements should cause systematic consideration of environmental impacts. An imaginative evaluation of alternatives and their implications should begin in the earliest stages of project formulation, with planners contemplating the criteria and range of information to be employed in preparation of final statements.

2. Effect Assessment. In accordance with the requirements of Section 122, 1970 R&HA, final guidelines for the assessment of economic, social and environmental effects of civil works projects have been promulgated. They will be applied in reports on projects authorized under continuing authorities, in survey reports, in General Design Memoranda of all projects authorized in the River and Harbor and Flood Control Act of 1970 and in subsequent Congressional authorizations if not already applied in the survey report. Since the effect assessment procedures generally follow the same procedures as used in preparing the environmental assessment as required by NEPA, the completed effect assessment for environmental effects should be used as input for the environmental impact statement. Although Section 122 specifically mentions 17 effects, additional significant environmental effects or impacts may also require identification and evaluation before the "best" alternative plan of development is selected.

3. Format. Environmental statements will constitute a document separate from other Corps papers and consist of the cover sheet, summary sheet, table of contents, body of the statement, letters of coordination, bibliography, plates or maps, and technical appendices as required (e.g. glossary of terms, inventories of terrestrial and aquatic flora and fauna, etc.). All information will be typed single spaced on both sides of the page including Appendices. Letters received will also be printed on both sides of the page. To facilitate review, the main text of the draft and revised draft may be prepared in double space format using both sides of the page. Each paragraph in each section of the main text will be numbered for ease of reference. For example, the first paragraph in Section 1 will be numbered 1.01, the second 1.02, etc. Also, all pages must be numbered including letters of comments received which are attached to the statement. Pages in the main text will be numbered consecutively. Pages in the Appendices will be numbered consecutively preceded by the Appendix symbol, e.g., A-1, A-2; B-1, B-2, etc. Pages C- through C- are samples of the format for the cover and summary sheet to be followed in preparing environmental statements on all Corps proposals except survey reports. Pages C- through C- are samples of the format to be followed in preparing environmental statements on survey reports. Appendix G of this Regulation provides guidance in the preparation of inventories of terrestrial and aquatic flora and fauna. For the dates required in item 6 of the summary sheet, use the following: Draft statements use date of OCE letter to CEQ, final statements use date of OSA or OCE letter to CEQ, as appropriate. It should be noted that the date of publication in the FEDERAL REGISTER of CEQ's weekly listing of environmental statements received shall be the date from which the minimum periods for review and comment and administrative waiting shall be calculated.

#### 4. Content of Statement.

a. The body of the environmental statement will contain nine separate sections. These sections are: (1) Project description, (2) Environmental setting without the project, (3) Relationship of the proposed action



to land use plans, (4) Probable impact of the proposed action on the environment, (5) Any probable adverse environmental effects which cannot be avoided, (6) Alternatives to the proposed action, (7) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, (8) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented and (9) Coordination and Comment and Response.

b. Each section should be of sufficient length and detail to adequately identify and develop the required information. Avoid the use of scientific jargon and technical terms. Language used should be clear and easily understood by non-specialists in the water resources field who must make decisions or form opinions on the merits of the proposed action. Provide a non-technical glossary of terms if technical terms are needed to discuss detailed data in the statement. Statements should indicate the underlying studies, reports, and other information obtained and considered in preparing the statement. The use of footnotes are acceptable provided the statement text remains essentially understandable to a reader without the need for obtaining specific reference material. Any attached bibliography will indicate the sources of all information based on other documents and how these documents may be obtained. A one page map (8 x 10 1/2) of the project area should be included. Fold out maps and plates should not be used. Artist's sketches and selected photos may be incorporated, if they will be particularly helpful in describing the environmental setting or environmental impacts.

c. *Project Description.* Describe the proposed action by name, specific location, project dimensions and purposes, authorizing document (if applicable), current status, and benefit-cost ratio. Generally delineate the purpose of the project, what the plan of improvement entails, and how the plan would operate. It is most important that a clear work picture be presented. For reservoirs give pool storage and surface areas for all projects purposes, miles of shoreline, miles of streams inundated, total acres of project facilities, e.g., dam, spillway, recreation area, public-use areas, public access sites, mitigation lands or measures, etc., and how the project would be operated. For other proposed actions, a complete description of all structures, project dimensions and purposes, and activities included within the project should be discussed. The inter-relationship and compatibility of the project with existing or proposed Corps or other agency projects must be discussed.

(1) Corps project decision documents consist of survey, small project, and general design memorandum reports. The EIS is essentially a summary of the environmental portions of these reports. As a convenience for those interested parties who normally do not have immediate access to these decision documents, limited economic data (extracted from survey reports, small project reports, and general design memoranda) will be furnished with the EIS. Summary economic information will reflect the latest BC analysis, and will indicate the extent to which unquantified environmental costs and benefits are not reflected in the BC determination. A discussion of project effects on the economy, including employment, unemployment, and other economic impacts will be included in the Statement of Findings. Above economic information is attached to draft and final EIS; SOF is attached to final EIS only. Such economic and SOF inclosures to EIS each will include the statement in bold type at the top "Extracted from U.S. Army

Corps of Engineers (Survey Report/General Design Memorandum/Small Project Report) (Location). Complete document is available at U.S. Army Engineer District (Location)."

(2) Discussion of fish and wildlife mitigation benefits and costs, which may include unquantifiable environmental effects considered in the proposed action, should also be discussed with appropriate references to the underlying reports from which the data was obtained and the rationale for selection of the mitigation plan.

d. *Environmental Setting Without the Project.* Describe the area, the present level of economic development, existing land and water uses, and other environmental determinants. Discuss in detail the environmental setting of the immediate project area with appropriate reference and discussion of important regional aspects critical to the assessment of environmental impacts. Include appropriate information on topography, vegetation, animal life, historical, archeological, geological features, and social and cultural habits and customs. Discuss population trends and trends of agriculture and industry and describe what the future environmental setting is likely to be in the absence of the proposed project. In discussing population aspects, consideration should be given to using the rate of growth in the region contained in the projection compiled by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture called "OBERS." In any case, the source of population data used should be identified. It is possible and often desirable to treat the project setting in relation to river basins, watersheds, or functional ecosystems. Discuss the interrelations of projects and alternatives proposed, under construction or in operation by any agency or organization.

e. *Relationship of the Proposed Action to Land Use Plans.* Discuss how the proposed project or action conforms or conflicts with the objectives and specific terms of existing or proposed Federal, State, and local land use plans, policies and controls, if any, for the area affected including those developed in response to the Clean Air Act or the Federal Water Pollution Act Amendments of 1972. If a conflict should occur, the statement should discuss the issues completely and state the actions that the Corps has taken to reconcile its proposed action with the plan, policy or control, and the reasons for proceeding with the project notwithstanding the absence of full reconciliation.

f. *The Probably Impact of the Proposed Action on the Environment*

(1) Environmental impacts viewed as changes on conversions of environmental elements which result directly or indirectly from the proposed action should initially be identified and projected throughout the life of the project. Include land loss and land use changes which could be expected upstream, downstream, and adjacent to the project such as urbanization changes in water features and characteristics, air quality, aesthetics, etc. Discuss the impacts on the environment of project-induced primary and secondary economic and social effects, including cumulative effects.

Such impacts shall be detailed in a dispassionate manner to provide a basis for a meaningful discussion of the trade-offs involved in the SOF. Quantitative estimates of losses or gains (e.g., acres of marshland, miles of white-water streams inundated, etc.) will be set forth whenever practicable. Where this cannot be done, qualitative descriptions should be provided with assumptions or criteria on which judgments are based. Data developed from the effect assessment for environmental effects (Section 122) should be used as input for the "with project condition."

(2) The description of the proposed action should include a summary of the population projections employed as a basis for formulation and evaluation. The source of the population data, whether OBERS or another origin, should be identified. Other projections, such as future economic activity and land use, that also bear upon a thorough understanding of the environmental impacts of the proposed action should be included along with their source. When preparing the environmental statement, care should be taken to only include information that is necessary to fully understand the proposed action and its attendant environmental impacts. In order to keep the statement brief, the environmental statement should contain references to more detailed information in the appropriate sections of the decision document. Discuss both the beneficial and adverse impacts of the environmental changes or conversions placing some relative value on the impacts described. Discuss these effects not only with reference to the project area, but in relation to any applicable region, basin, watershed, or ecosystem. Relate the impact to the river basin or regional entity in which the action is proposed; and discuss the interrelationship of projects and alternatives proposed, under construction or in operation by other agencies or organizations. A thoughtful assessment of the environmental elements should aid in determining impacts. For example, the filling of a portion of the wetlands or an estuary would involve the obvious conversion of aquatic/marsh areas to terrestrial environments, the loss of wetland habitats and associated organisms, a gain in area for terrestrial organisms, a change in the nutrient composition of the runoff water entering that portion of the estuary, alteration of the hydrology of some given area, perhaps the introduction of buildings or roads, curtailment of certain commercial uses, disruption of water-based recreational pursuits, conversion of wildlife aesthetics to less-pristine attributes, perhaps the removal of some portion of popular duck hunting grounds or unique bird nesting areas, etc.

(3) Identify remedial, protective, and mitigation measures which would be taken as a part of the proposed action by the Corps or others, to eliminate, or compensate for, any adverse aspects of the proposed action. Such measures taken for the minor or short-lived negative aspects cannot be satisfactorily dealt with will be considered in greater detail along with their abatement and mitigation measures in paragraph e.

(4) For O&M maintenance dredging projects which are segments of a total system, i.e., the intracoastal waterway, and for which it has been determined that separate rather than a composite environmental statement be prepared, the need to discuss the inter-relationship of the segments with the total project including cumulative environmental impacts over the life of project is mandatory. Points to consider in preparing the statement should include: periodicity of dredging requirements, volume of material removed to date and projected in the future, dredging methods used in past and project for future use, location and expected life of authorized spoil disposal areas, projected needs and plans for establishing new areas, experienced rate and type of revegetation and changes in wildlife values on completed and existing disposal areas, quality of dredge spoil throughout the project area with particular coverage of any areas where chronic pollution exists and how such spoil has been and will be handled, and a general description of fauna and flora within the project area including a thorough analysis of how proposed dredging operations will affect these organisms.

g. *Any Probable Adverse Environmental Effects Which Cannot be Avoided.* Discuss the



detrimental or adverse aspects of the proposed action which cannot be eliminated by alternative measures of the proposed action. This discussion will identify the nature and extent of the adverse effects, the resources affected and summarize those adverse and unavoidable effects of the proposed action discussed in paragraph f. It should include a discussion of adverse effects or objections raised by others. The loss of a given acreage of wetland by filling may be mitigated by purchase of a comparable land area, but this does not eliminate the adverse effect. Certainly the effects on the altered elements will not disappear simply because additional land is purchased. Identify the nature and extent of the principal adverse effects and the parties affected. For example, the effects of the filled wetland might include the loss of shellfish through sedimentation actions (turbidity and burial), the loss of organisms through the leaching of toxic substances from polluted marsh sediments used in the fill, the loss of a popular/valuable waterfowl census site in the estuary or the burial of ancient Indian midden sites of indeterminate archeological value.

h. *Alternatives to the Proposed Action.* Describe the various reasonable alternatives to the proposed action, their environmental impact, their ability to accomplish the objectives, either in whole or part, of the proposed action, specifically taking into account the alternative of no action. The "effect analysis" as required by Section 122 for survey and continuing authority reports and Phase I GDM's will provide necessary information to the planner in developing the full range of effects of project alternatives to eliminate, reduce, or minimize adverse environmental effects or to enhance environmental qualities. For each alternative considered, the particular economic, social, and environmental effects of the planned action must be assessed and then carefully weighed against each other in the SOF. A thorough discussion of this balancing analysis in the SOF will provide evidence that the decisionmaking process has in fact taken place, that it will allow others to evaluate and balance the factors on their own, and that the final project recommendation is made in the best overall public interest.

In discussing the various alternatives to accomplish the objectives of the proposed action, three general categories should be followed: (1) Describe those alternatives which would accomplish all of the objectives of the proposed action, (2) describe those alternatives which may only provide a partial solution to all or part of the objectives of the project, and (3) describe the no development alternative. Rules of reasonableness must also be followed in deciding what alternatives are proper subjects for discussion. These are summarized as follows:

(a) The fact that an alternative action cannot be implemented by the Corps does not by itself make the alternative not reasonably available. If alternatives requiring action by another agency or legislative action are not remote or speculative possibilities, they must be discussed in the statement. In discussing such alternatives, information contained in studies by other agencies, responsible journals and other agencies environmental impact statements may be used.

(b) Reasonably available alternative actions and responsible views in opposition to a proposed action which are contained in comments on the environmental impact statement submitted by interested citizens or citizens' groups must be discussed.

(c) The range of alternatives that must be evaluated in an environmental impact statement concerning a proposed action which is an integral part of a wide-spread coordinated plan must be broadened beyond those alternatives that would be considered

in the case of a project of more limited scope, such as a local protection project.

(d) In the case of a proposed action intended to respond to an immediate need, an alternative action that will provide only a long-term solution is probably not a reasonably available alternative and does not have to be discussed.

g. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosure of future options or needs. It is appropriate to make such evaluations on land-use patterns and development, alterations in the organic productivity of biological communities and ecosystems and modifications in the proportions of environmental components (water, uplands, wetland, vegetation, fauna) for a region or ecosystem. For example, if a coastal marsh is extensively filled, the ability of an associated estuary to support its normal biota might be seriously impaired. Altered sediment, nutrient and biocide additions to the waters might well affect the inherent biological productivity of the estuary. In other words, if the estuary's marshes are modified enough to affect basic estuarine processes, certain of the amenities, biota, products, industry and recreation opportunities could be lost. The long-term implications of these changes are directly related to the degree that the losses are sizeable or unique.

h. *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in the ecosystem, and other effects identified in paragraph e, to the extent to which the action irreversibly would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented. For example, in filling a marsh there could be a number of potential irreversible or irretrievable effects. The particular aquatic habitat filled in the marsh would be permanently lost for aquatic organisms and fill would be removed from one area and deposited in another. Include possible indirect actions—those made economically feasible, as a result of the proposed action—that would cause changes in land and water use that could not be altered or reversed under free enterprise principles.

1. *Coordination and Comment and Response.* The coordination and public participation efforts will be summarized in this section under three subheadings: Public participation, Government agencies, and Citizens Groups.

(1) *Public participation.* This section will briefly summarize the public participation efforts accomplished during the conduct of the study indicating number of public meetings, informal meetings and workshops conducted and a brief discussion of environmental issues identified, if any. For an authorized project or other administrative action, discuss measures taken to involve or inform the public of the action and the environmental issues.

(2) *Government agencies.* Each government agency with whom coordination of the draft environmental statement has been accomplished will be listed. Relevant and appropriate comments will be included in the

final statements incorporating changes where necessary. Additionally, each separate view expressed concerning the environmental effects of the proposal will be summarized in a comment and appropriately discussed in a response. If the comment requires a change in the main text, the paragraph changed and the page number where the change was made, will be referenced in response. If an agency did not provide comments on the statement, "No comments received" will be placed under the agency name.

(3) *Citizen Groups.* The objective of this section is to clearly set forth the magnitude and breadth of concerns of private citizens and conservation groups regarding specific identifiable environmental impacts related to the project. The environmental issues or impacts identified by citizens and conservation groups will be incorporated in the statement where appropriate. All views expressed, concerning the environmental effects of the proposal will be set forth in a comment and appropriately discussed in a response, as are those from Government agencies. To give appropriate coverage and avoid duplication of response to the same environmental concern, District Engineers may consolidate or combine the environmental issues raised into appropriate groupings. Source of the comments should be clearly identified.

(4) Copies of all correspondence from governmental agencies, citizens, and conservation interest received concerning the proposal will be attached to the statement. Where numerous repetitive type letters are received, the principal issues can be summarized and appropriate responses made. In these instances a listing of the correspondents by name in lieu of attaching copies of each letter will be acceptable.

(5) The reporting officer will make every effort to reconcile areas of discrepancy or disagreement, where comments of reviewing agencies pose significant objection to or recommend modification of the statement. Where agreement cannot be reached within a reasonable period of time, subsequent to receipt of comments, the comments will be discussed (in (2) and (3) above) and a sub-section entitled "Unreconciled Conflicts" will be added to this section of the statement. This sub-section will contain a brief, but complete and thorough discussion of the problem(s). The discussion will be a concise and objective analysis of the environmental issues, presenting both sides of the issue.

#### APPENDIX G

##### PREPARATION OF BIOLOGICAL INVENTORIES

1. The inventories should list all species by both the common and scientific name.

2. Display the biotic species in a table or tables giving the status of the species in the general region, status in the project area, seasonal status (when applicable) and quantitative abundance in the general project area. It is paramount to give an explanation or definition of the terms (adjectives) used for quantification of each species, i.e., abundant, common, occasional, rare, etc. Additionally, provide a probable impact description that the project will have upon the species of mammals, birds, fishes, reptiles, amphibians, mollusks, crustaceans, etc., that normally inhabit the project area or may be influenced by the project. Specific and detailed analyses should be given to the project impacts upon the Endangered Species (see the 1973 edition of Threatened Wildlife of the U.S. by the Bureau of Sports Fisheries and Wildlife), upland game birds (turkey, quail, grouse, etc.), waterfowl (geese and ducks), big game mammals (moose, elk, deer, antelope, etc.), small game mammals (rabbits, squirrels, etc.), fur bearers (mink, beaver, muskrat, nutria, etc.), and others.



SAMPLE TABLE

Species	Habitat and/or seasonal status	Range in region or state	Abundance in region	Range in U.S.	Project impact
Belted, <i>colinus virginianus</i>	Permanent resident	Statewide	Common	E. North America	Minimal
Mallard, <i>Anas platyrhynchos</i>	Migrant	Waterways and marsh area regionwide	do	United States	None
Cottontail, <i>(Sylvilagus sp.)</i>	Brushy areas	Throughout region and state	do	do	Moderate

3. List principal native aquatic and terrestrial vegetation including trees, shrubs, grasses, herbs, and other vegetation growing within the project area. Indicate relative abundance or scarcity, importance as wildlife habitat, and value for cultural, aesthetic and scientific purposes.<sup>1</sup>

[FR Doc.73-23568 Filed 11-14-73;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[ 14 CFR Part 1204 ]

### ENVIRONMENTAL QUALITY AND CONTROL

#### Proposed General Procedures

The revised Guidelines for the Preparation of Environmental Impact Statements issued by the Council on Environmental Policy (38 FR 20550, August 1, 1973), directed each Federal Agency to review its procedures for compliance with the National Environmental Policy Act established under previous editions of the CEQ Guidelines and revise them, as may be necessary to respond to the newly revised guidelines. The National Aeronautics and Space Administration has so revised its procedures and they are published herein. Those interested in commenting on these draft procedures may do so by submitting written comments to the Office of Policy Analysis, Code PA, National Aeronautics and Space Administration, Washington, D.C. 20546. All relevant comments received on or before December 31, 1973, will be considered.

HOMER E. NEWELL,  
Associate Administrator, National Aeronautics and Space Administration.

NOVEMBER 8, 1973.

1. It is proposed that Subpart 1204.11 of 14 CFR Part 1204 be revised in its entirety as follows:

- Sec.  
1204.1100 Scope.  
1204.1101 Policy.  
1204.1102 Implementation.  
1204.1103 Guidelines for conducting assessments and preparing environmental statements, as required by the National Environmental Policy Act of 1969.

**AUTHORITY:** The provisions of this Subpart 1204.11 are issued pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321; 4331 et seq.; and 4341 et seq.); Executive Order 11514 (35 FR 4247, March 5, 1970); Council on Environmental Quality (CEQ) Guidelines for Statements on Major Federal Actions Affecting the Environment (38 FR 20550, August 1, 1973); Office of Management and Budget Bulletin 72-5 (September 14, 1971); the Clean Air Act, as amended (42

U.S.C. 1857 et seq.); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.); the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.).

#### § 1204.1100 Scope.

This Subpart 1204.11 sets forth the NASA policy guidelines concerning administering Agency activities for the protection and enhancement of environmental quality, conducting assessments and preparing environmental statements.

#### § 1204.1101 Policy.

It is NASA policy to:

(a) Use all practicable means, consistent with NASA's statutory authority, available resources, and national policy, to protect and enhance the quality of the environment;

(b) Provide for proper and adequate attention to environmental protection and enhancement in all NASA activities, including those performed under contract or grant;

(c) Use organized, systematic, timely, and effective approaches to meet NASA's responsibilities in environmental matters;

(d) Pursue appropriate research and development, within the scope of NASA's authority or in response to authorized agencies, for application of technologies useful in the protection and enhancement of environmental quality;

(e) Cooperate with State, local, and regional authorities in the protection and enhancement of the environment wherever NASA facilities are located;

(f) Instill an environmental awareness in all NASA employees and contractors; and

(g) Make all major decisions with due regard for environmental factors.

#### § 1204.1102 Implementation.

(a) The Associate Administrator, or his designee, shall:

(1) Coordinate the formulation and revision of NASA policies and positions on matters pertaining to environmental protection and enhancement;

(2) With the cooperation of the Assistant Administrator for DoD and Interagency Affairs, represents NASA in working with other governmental agencies and interagency organizations to formulate, revise, and achieve uniform understanding and application of Government-wide policies relating to the environment;

(3) Develop and ensure the implementation of Agency-wide standards, procedures, and working relationships for protection and enhancement of environmental quality and compliance with applicable laws and regulations;

(4) Systematically monitor NASA's

basic decision processes to ensure that environmental factors are properly considered in key proposals and decisions, and that these considerations are adequately documented;

(5) Develop and implement procedures for the internal review of draft and final environmental impact statements and for their subsequent publication and public review;

(6) Systematically advise line management and inform NASA employees of technical and management parameters of environmental analysis of appropriate expertise available in and out of NASA and, with the assistance of the General Counsel, of relevant legal developments;

(7) Establish and maintain appropriate working relationships with the Council on Environmental Quality, Environmental Protection Agency, and other National, State, and local governmental agencies;

(8) Consolidate and transmit to the appropriate parties NASA comments on environmental impact statements and other environmental reports prepared by other agencies; and

(9) Acquire information for and prepare other NASA reports on environmental matters.

(b) Officials-in-charge of Headquarters Offices are responsible for identifying matters which may affect protection and enhancement of environmental quality and for ensuring that necessary actions are taken to meet the requirements of applicable laws and regulations; for coordinating environmental quality-related activities under their cognizance; and for supporting and assisting the Associate Administrator on request. Program and Institutional Directors are additionally responsible for giving high priority, in the pursuit of program objectives, to the identification, analysis, and proposal of research and development which, if conducted by NASA or other agencies, may contribute to the achievement of beneficial environmental objectives.

(c) Each Field Installation Director is responsible for:

(1) Implementing NASA policies, standards, and procedures on protection and enhancement of environmental quality and supplementing them as appropriate in local circumstances;

(2) Specifically assigning responsibilities for environmental activities under the installation's cognizance to appropriate subordinates, while providing for the coordination of all such activities; and

(3) Establishing and maintaining appropriate working relationships with National, State, regional and local governmental agencies responsible for environmental regulation in localities in which the Field Installation conducts its activities.

#### § 1204.1103 Guidelines for Conducting Assessments and Preparing Environmental Statements.

(a) Criteria.

(1) Section 102(2)(C) of the National Environmental Policy Act of 1969 re-

<sup>1</sup> A second Department of Defense document follows on page 31645.



quires that, in connection with recommendations or reports on proposals for (i) legislation or (ii) other major Federal actions (i.e., administrative actions, which could include program and project approvals, approval of facility design, procurement actions, etc.) which would significantly affect the quality of the human environment, Federal agencies shall prepare detailed statements on the environmental impact of the actions. The Council on Environmental Quality and the Office of Management and Budget have provided guidelines and procedures to assist Federal agencies in implementing the National Environmental Policy Act. The requirement for assessments of environmental impact and, where necessary, environmental impact statements is separate from the requirement for environmental control measures, and is oriented to the decisions on the basic program or institutional actions themselves. However, the need for control measures may be brought to light by the assessments.

(2) This § 1204.1103 discusses the process of assessing the environmental impact of a proposed action, documenting that assessment, determining whether or not a statement is required, preparing and coordinating the statement, and using the resulting information at all stages of decisionmaking with respect to the proposed action.

(b) Environmental assessments.

(1) Purpose of assessment. The NEPA requires that NASA take environmental factors into consideration in planning, decisionmaking, and implementing its actions. Thus, the consideration of environmental impact must be a part of the formulation and definition of all new or revised agency activities. The environmental assessment is the process by which the environmental effects of proposed actions are initially identified for inclusion throughout the decision process.

(2) Responsibility. The Official-in-Charge of each Headquarters Office shall provide for an assessment of the environmental impact of each major action which he proposes or which is to be taken under his programmatic or institutional cognizance (see Section 102(2) of the NEPA and §§ 1500.2, 1500.5, and 1500.6 of the CEQ Guidelines). The NASA employee initiating an action is responsible in the first instance for assessing, or obtaining an assessment of its environmental impact. Each NASA official having authority over the action, including the authority to recommend the proposal to higher management levels for review and decision, is responsible for the adequacy of the assessment supporting his decision or recommendation on the proposed action.

(3) Extent of assessments.

(i) The basic criteria to be used in determining whether proposed legislation, projects, or activities have the potential to have a significant effect on the quality of the human environment appear in §§ 1500.6 and 1500.8 of the CEQ Guidelines and in OMB Bulletin 72-6.

(ii) Section 101(b) of the NEPA (42

U.S.C. 4331(b)) indicates the broad range of environmental objectives to be considered in any assessment of significant effect. Significant effects on the quality of the human environment include both those that directly affect humans and those that indirectly affect them through effects on the environment. These are amplified in § 1500.8(a)(3) of the CEQ Guidelines. The Office of the Associate Administrator will provide supplemental guidance on a continuing basis to acquaint NASA officials and employees with the aspects of the environment to be considered in assessments, and the kinds of actions to be covered by assessments.

(iii) Section 102(2)(A) of the NEPA establishes the requirement for a multidisciplinary approach in planning and decisionmaking, the results of which may have an impact on man's environment. This requirement, discussed in § 1500.8(c) of the CEQ Guidelines, is to insure "the integrated use of the natural and social sciences and the environmental design arts" in such planning and decisionmaking.

(iv) Good judgment and reason are to be used in applying the above criteria in the consideration of environmental effects. Where there is no essential impact, and that fact is readily determinable, the statement of that fact is adequate. In other areas, major studies may be required.

(4) Timing of assessments.

(i) Section 1500.2 of the CEQ Guidelines requires that assessments be conducted concurrent with initial technical and economic studies. This permits the environmental consequences of the proposed action to be considered throughout the decisionmaking process. Thus, environmental assessment must be a part of the earliest thinking about possible major actions, and must be a part of any rethinking based on new or more complete information bearing on environmental impact.

(ii) It should be noted that, especially in R&D projects, major parameters of environmental significance are, and must be, settled as a result of research, exploratory development, and performance decisions which necessarily follow the decision to engage in the project. Therefore, some NASA assessments (and their documentation) are likely to be incomplete as a result of either sub-project decisions yet to be made or technical assumptions which may be revised as development takes place. Documentation of an assessment must mention its own deficiencies and the activities planned to overcome them. The assessment and its documentation are then subject to continuing revision as warranted by changing performance factors and technical assumptions. Awareness of the need for continuing reassessment of environmental effects is of utmost importance.

(5) Documentation of assessments. All assessments shall be made a matter of record, even though many assessments will not lead to environmental impact statements. In some instances, the needed documentation may be a simple

statement that there is no essential environmental impact. In other cases, major reports may be required. The general rule to be applied is that the documentation should thoroughly cover and, at the same time, be limited to the foreseeable environmental consequences of the proposed action. Where it appears likely that a new or revised environmental impact statement may be required, the documentation of the assessment or reassessment should be in the form of such a statement, as explained in § 1204.1103(c) and § 1500.8 of the CEQ Guidelines. Where an existing statement adequately covers the proposed action, the applicable statement should be identified. In all cases, the documented assessment of environmental effects shall be considered by management along with all other factors at each step of the decision process. The Official-in-Charge of the Headquarters Office having direct management responsibility over the proposed activity will provide for maintaining the assessment documentation.

(6) EPA Review of Certain Assessments. If the subject of the assessment involves the authorities of the Administrator of the Environmental Protection Agency with respect to water and air quality, solid waste, pesticides, radiation, noise, etc.; if it may be considered to come within the scope of section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); and if it appears that no formal environmental impact statement is required; the assessment shall be submitted to the Associate Administrator along with the subject proposal for action or legislation. This will be transmitted when appropriate to the Environmental Protection Agency for comment under § 1500.9(b) of the CEQ Guidelines. When it appears that a formal environmental impact statement is required, this separate submittal to EPA is not required; EPA review required by the statute will be fulfilled by their review of the statement itself as required by § 1204.1103(d)(4) and § 1500.9(b) of the CEQ Guidelines.

(c) Environmental impact statements.

(1) Decision to prepare. The decision whether or not to prepare an environmental impact statement is made by the official in charge of the Headquarters Office having direct management responsibility over the proposed activity, and is a direct product of an evaluation of the assessment. Section 1500.6 of the CEQ Guidelines provides basic guidance for this decision. The Associate Administrator will provide the necessary overall guidance for the agency. The Official-in-Charge of the Headquarters Office having direct management responsibility over the proposed activity will maintain a list of decisions to prepare or not to prepare an environmental statement as part of his assessment documentation. Notice of each decision to prepare an environmental impact statement shall be submitted in writing to the Associate Administrator or his designee as soon as is practicable after that decision is made. In keeping with § 1500.6(e) of the CEQ Guidelines, the Office of the Associate



Administrator will maintain a master list of all such statements in process within NASA, provide this list to CEQ quarterly, and make it available to the public as required.

(2) Nature and purpose. The environmental impact statement documents those environmental analyses of major actions having the possibility of significant impact. Each statement is developed as a draft, circulated for review inside and outside the agency, and then put in final form. The environmental impact statement is the most formal version of a documented assessment and provides the environmental information that must be considered throughout the decision process.

(3) Types of statements.

(i) Section 1500.2(a) of the CEQ Guidelines divides assessments (and subsequent statements) into two classes: (a) those relating to legislative actions, and (b) those relating to all other major Federal actions, which CEQ terms "administrative actions." As applied to NASA, this distinction is drawn between those actions requiring Congressional approval in the form of enabling legislation (authorization or appropriation), and those discretionary actions which may be taken by or for NASA within the scope of an existing authorization or appropriation. In § 1500.6(d), CEQ cross-cuts these with a distinction between "broad program statements" and "statements on major individual actions." NASA has, since 1971, provided for this distinction through its "Institutional Statements" and "Program Statements," both of which fit the new CEQ discussion of "broad program statements." The institutional statements have recognized the operation of each NASA field installation as a "major Federal action" consisting of coherent and continuing bodies of R. & D. effort. The program statements have covered the major development and flight programs of the agency. These statements have provided for maximum coverage of NASA activities with a minimum number of broad statements.

(ii) These broad statements do not eliminate the need for continuing awareness and reassessment of the environmental impact of included activities or facilities. They do, however, permit subsequent assessments and reassessments to focus on relatively circumscribed activities or facilities. When such an assessment or reassessment so indicates, NASA will prepare a separate statement on a major individual action or facility coming under the umbrella of the institutional or program statement. Such a statement may be prepared as an amendment or supplement to the existing program or institutional statement or may stand as a separate statement, as determined by the official in charge of the responsible Headquarters office.

(4) Content.

(i) Section 1500.8 of the CEQ Guidelines presents a detailed discussion on the expected content of an environmental statement, including eight particular items which should be considered in drafting the statement. These eight

items, discussed in § 1500.8(a) of the CEQ Guidelines provide a convenient, although not mandatory, format for the statement.

(ii) Section 1500.8(d) of the CEQ Guidelines requires that a summary sheet of prescribed form (Appendix I of the CEQ Guidelines) accompany each draft and final environmental impact statement. Section 1500.8(b) of the CEQ Guidelines contains additional guidance as to the contents of the statement and its relationship to fundamental documentation. However, care should be taken to ensure that the statement can be understood without undue reference to attachments or other documents.

(5) Timing. Environmental impact statements are drafted when an assessment has indicated the need and a responsible management official (see § 1204.1103(c)(1)) has determined that the statement shall be prepared. Sections 1500.9(f), 1500.11(b), and 1500.11(c) of the CEQ Guidelines provide minimum intervals for interagency and public review of draft statements, and between issuance of a final statement and the taking of action on the activity proposed therein. The minimum of 90 days required from release of the draft statement to taking of the subject action is of special significance; during that period comments are received, the necessary changes made, and the final statement released. These steps can require a significantly longer time. Furthermore, where impact statements are required on legislative proposals (e.g., authorization and appropriation requests), § 1500.12 of the CEQ Guidelines requires that they should be prepared (drafted) before the legislative proposal is sent to OMB for clearance. A continuing awareness of the time factors is essential if NASA is to meet its obligations in environmental protection and enhancement without unnecessarily deferring other program action.

(d) Processing environmental assessments and statements.

(1) Preparation and submission of draft statement. Fifteen copies of each draft environmental impact statement and attachments shall be submitted to the Associate Administrator prior to any formal review outside NASA. This submittal shall be accompanied by a plan for coordination with appropriate State and local agencies, organizations, and interested parties, prepared in accordance with § 1500.9 of the CEQ Guidelines.

(2) Review of draft statement and plan for coordination with State and local agencies, organizations and individuals.

(i) The Associate Administrator shall review (A) the plan for coordination with State and local agencies, organizations, and interested parties and (B) the draft statement and its attachments. He shall obtain additional comments from other elements of NASA, as appropriate, and communicate with the originating official, indicating concurrence or recommending changes in these documents.

(ii) Section 1500.7(d) of the CEQ Guidelines requires that procedures for

holding public hearings be provided where appropriate. Therefore, if the official responsible for preparation of the plan for coordination with State and local agencies considers public hearings to be appropriate, he shall include a plan for such hearings in the plan for coordination with State and local agencies, including information sufficient to answer any questions relative to the four factors itemized in § 1500.7(d) of the CEQ Guidelines.

(3) Submission of draft statement to the CEQ. After review and revision of the draft, fifty copies of the revised draft shall be provided to the Associate Administrator for external coordination. The Associate Administrator shall submit ten copies of the draft statement with appropriate attachments to the CEQ. The originating NASA official shall also be sent a copy of the draft statement as submitted to the CEQ. From this point on, the draft statement shall replace any prior documentation of environmental assessment for consideration by management at each subsequent step of the decision process.

(4) Review of draft statement by other national governmental agencies. Upon submission of the draft statement to the CEQ, the Associate Administrator shall seek the views of other appropriate national governmental agencies in accordance with § 1500.9(a) of the CEQ Guidelines. Appendix II of these guidelines lists agencies having special expertise who may be consulted. Any views submitted as a result of the agencies' reviews shall be provided to the originating official for consideration in preparing the final statement. To the extent possible, requirements for consultation with other agencies on environmental matters, established by statutes other than the NEPA, should be met through this review process, as noted in §§ 1500.9 (a) and (b).

(5) Review of draft statement by State and local agencies, organizations, and interested parties. Upon approval of the plan for State and local coordination, discussed in subparagraphs (1) and (2) of this paragraph, the originating NASA official shall seek comments on the draft statement from affected State and local agencies. This shall be concurrent with the solicitation of national agencies by the Associate Administrator. Comments on the draft statement may be obtained directly from State and local governments, through public hearings, through State and local clearinghouses, and by notice in the FEDERAL REGISTER under procedures established by NMI 1410.10. This notice should specify that replies are required at a stated date not earlier than 45 days from publication date. Section 1500.9(c) and Appendix IV of the CEQ Guidelines and Office of Management and Budget Circular No. A-95 provide further guidance.

(6) Preparation and submission of final statement to CEQ. After conclusion of the review process with other national, State, and local agencies, and the public, the originating NASA official shall consider all suggestions and revise



the statement as appropriate. Fifty copies of the final environmental statement and summary sheet, to which are attached copies of the comments received, shall be forwarded to the Associate Administrator. He will obtain any additional approvals which circumstances may warrant and officially submit copies of the final statement to the CEQ, and to others as called for by § 1500.10(b) of the CEQ Guidelines. The final environmental impact statement shall then replace the draft statement for consideration by management throughout the decision process.

(7) Public availability of environmental statements. Each draft and final environmental statement and the related documents prescribed by law and regulation, prepared and submitted under this Instruction, will be available for public review and copying in the NASA Information Center, 600 Independence Avenue SW., Washington, D.C. 20546. Copies will also be available at information centers at appropriate field installations and, where appropriate, at State and local clearinghouses. For more details, see § 1500.9(c) and Appendix IV to the CEQ Guidelines and Office of Management and Budget Circular No. A-95. These documents should be available on and after the date of their submission to CEQ, or, in the case of any statement relating to legislative proposals, on and after the date of its submission to the Congress.

(e) Processing environmental statements originated by other governmental agencies. Requests for review and comment on environmental statements prepared by other governmental agencies will be directed to the Associate Administrator for appropriate action within NASA. The Associate Administrator shall determine which NASA elements should review the statement, solicit and consolidate their comments, obtain any additional approvals which may be warranted, and return the review report with NASA's comments to the originating agency. Five copies of the comments shall be sent to CEQ in accordance with § 1500.11 of the CEQ Guidelines. Such comments shall be prepared as suggested in § 1500.9(e) of the CEQ Guidelines.

(f) Processing of Legislative Actions. In accordance with OMB Bulletin 72-6 and § 1500.12 of the CEQ Guidelines, NASA is responsible for identifying those of its legislative proposals, or reports on bills for which it is the principal agency concerned, that would require the preparation and review of environmental impact statements by the procedures set forth herein. For these cases, statements should be prepared prior to submission of the legislative proposal or report to the Office of Management and Budget. At least the draft environmental statement should be available to the Congress and the public when the legislative proposal or report is submitted to the Congress for action, with the comments received and the final text transmitted as soon thereafter as possible. The Assistant Administrator for Legislative Affairs, NASA Headquarters, is responsible for

ensuring that any environmental statements required to accompany NASA legislative proposals or reports are provided to OMB and to Congress as herein required. The Associate Administrator, the Comptroller, and the General Counsel will provide guidance as required.

(g) Implementing Actions. NASA Officials will provide to the Associate Administrator three copies of any instructions or guidelines which they issue to implement or supplement this NMI.

[FR Doc.73-24270 Filed 11-14-73; 8:45 am]

## NATIONAL SCIENCE FOUNDATION

[45 CFR Part 640]

### ENVIRONMENTAL IMPACT STATEMENTS

#### Policy and Procedures

On August 1, 1973, the Council on Environmental Quality (CEQ) issued revised guidelines for the preparation of environmental impact statements (38 FR 20550). Accordingly, the Foundation proposes to replace its existing regulations governing environmental impact statement policy and procedures with new regulations in accord with the revised CEQ guidelines. After comments on the proposed regulations have been received and analyzed, they will be revised as appropriate, and the new regulations will be issued in modified form on or before January 28, 1974. Interested persons are invited to submit legal and other comments on the proposed regulations on or before December 29, 1973. Such comments should be sent to the Assistant Director for National and International Programs, National Science Foundation, Attention: Chairman, Committee on Environmental Statements, Room 701, 1800 G Street NW., Washington, D.C. 20550.

Part 640, Environmental Impact Statement Policy and Procedures, Chapter VI, National Science Foundation, Title 45, Public Welfare, is proposed to be changed by the deletion of the existing Part 640 and the addition of a new Part 640 as follows:

#### PART 640—ENVIRONMENTAL IMPACT STATEMENT POLICY AND PROCEDURES

##### Sec.

##### 640.1 Purpose.

##### 640.2 Policy.

##### 640.3 Scope.

##### 640.4 Responsibilities.

##### 640.5 Implementation.

##### 640.6 Lead time.

##### 640.7 Reviews.

##### 640.8 Review process requirements.

##### 640.9 Public information.

##### 640.10 Submission to the Council on Environmental Quality.

##### 640.11 Emergency circumstances.

##### 640.12 Office of management and budget.

##### 640.13 Information available within NSF.

**AUTHORITY:** National Environmental Policy Act of 1969 (Pub. L. 91-190); Executive Order 11514 of March 4, 1970 (35 FR 4247); and the revised Guidelines issued by the Council on Environmental Quality appearing at 38 FR 20550 (40 CFR Part 1500).

#### § 640.1 Purpose.

This Part describes policy and procedures applicable to National Science Foundation (NSF) or the Foundation)

actions requiring the preparation of Environmental Impact Statements (EIS) in accordance with the National Environmental Policy Act (NEPA or the Act) of 1969 (Pub. L. 91-190); Executive Order 11514 of March 4, 1970, appearing at 35 FR 4247 (the Executive Order) and revised Guidelines of August 1, 1973, appearing at 38 FR 20550 (the Guidelines), and other instructions issued by the Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB).

#### § 640.2 Policy.

NSF will consider national environmental goals in the formulation of policies, plans and programs. Before undertaking or supporting any major action that may have a significant effect on the environment, the Foundation will, in consultation with other appropriate agencies, assess in detail the potential environmental impact in order that adverse effects may be avoided and environmental quality restored or enhanced, to the fullest extent practicable. This will be done by a thorough examination of the nature of the action under consideration and by consulting the Guidelines. Alternative actions will be explored and both the long and short-range implications will be evaluated to avoid undesirable or unintended consequences for the environment. NSF will prescribe appropriate limiting actions which an NSF awardee will be permitted to take prior to completion and review of a final statement.

#### § 640.3 Scope.

(a) As specified in the Act, the Executive Order, and the Guidelines, major actions requiring preparation of an environmental statement include but are not limited to: Proposals for legislation and appropriations; new and continuing projects and program activities undertaken directly by NSF or supported in whole or in part through NSF contracts, grants, or other arrangements; and the making, modification, or establishment of regulations, rules, procedures and policy.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of a proposed action, even if the impact is localized; related Federal actions and projects in the area; and further actions contemplated. Actions deemed to be significant include those whose impact is likely to be controversial, as well as individual actions of limited impact which, if repeated or continued, would have considerable cumulative impact, constitute a precedent for future actions, represent decisions in principle for a future major course of action, or consist of several related actions by different agencies.

(c) Significant effects include those that directly and/or indirectly affect human beings through adverse effects on the environment; those that are either beneficial or detrimental; those that degrade the quality of the environment and curtail the range of beneficial uses of the environment and serve short-term



to the disadvantage of long-term environmental goals; and those which have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. Significant effects also include secondary effects, as described more fully in § 1500.8 (a) (3) (ii) of the Guidelines. 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 those outlined in Appendix II of the Guidelines.

(d) For NSF, the identification of "major Federal actions significantly affecting the environment" is the responsibility of each Directorate and office, to be carried out against the background of its own particular operations. "Major" and "significantly" are intended to imply thresholds of importance and impact that must be met before a statement is required. The action that causes (or may cause) an 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 used that have been distributed in the form of general revenue sharing to State and local governments. The making of an award by the Foundation shall be considered a situation where sufficient control and responsibility exists to constitute "Federal action."

(e) As appropriate, NSF shall prepare program statements and statements on a group of interrelated projects. For instance, broad program statements will be required in order to assess the environmental effects of a number of individual actions on a given geographical area (e.g., the Antarctic), or environmental impacts that are generic or common to a series of agency actions (e.g., maintenance or waste handling practices), or the overall impact of a large-scale program, project, or chain of contemplated projects (see Guidelines § 1500.6(d)).

(f) Major technology research and development programs, ongoing or to be initiated by the Foundation, will be periodically evaluated by the responsible Directorate to determine when an impact statement is required for such programs. Factors to be considered 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. Statements must be written late enough in the development process to contain meaningful information, but early enough that this information can serve as an input in the decisionmaking process. Generally, this stage would be reached when the decision to initiate the program is made at the Assistant Director level. Where a statement may ultimately be required, the Directorate shall prepare an evaluation briefly setting forth why a statement is not yet neces-

sary. This evaluation must be periodically updated. In any case, a statement must be prepared for each program before research activities have reached a state of NSF investment or commitment to implementation likely to determine subsequent development or restrict later alternatives. (See § 1500.6(d) of the Guidelines.)

#### § 640.4 Responsibilities.

(a) *Assistant Director for National and International Programs.* (1) The Assistant Director for National and International Programs (AD/NIP) has been designated as the responsible official within the meaning of section 102(2) (C) of the Act and is responsible for implementation of the requirements of the Act as they relate to the preparation of environmental statements. He will consult with other Assistant Directors to collect information relating to activities within their areas of responsibility. He will consult with the Office of the General Counsel concerning legislative actions covered by the Act and for interpretations and other advice regarding the Act, the Executive Order, the Guidelines, and this Part. He will also consult with the Office of Intergovernmental Science and Research Utilization concerning review of environmental statements by State and local agencies. In addition, he will serve as the NSF point of contact for inter-agency coordination with respect to the Act.

(2) All incoming correspondence from the CEQ related to impact statements and environmental matters should be brought to the attention of AD/NIP. AD/NIP, if necessary, will request and coordinate replies to such inquiries.

(b) *Committee on Environmental Statements.* (1) Assisting AD/NIP is a Committee on Environmental Statements (CES), which meets regularly to discuss areas of operations which may require statements and the preparation and review of statements; to assure that all NSF Directorates are continually examining their programs to identify the potential need for statements; and to assure compliance with the Guidelines and this Part. It assists AD/NIP and other ADs in the handling of statements, and in other related matters. The Chairman of the CES has been delegated by AD/NIP to serve as point of contact with the CEQ.

(2) Through a review of the Foundation's activities, the NSF Committee on Environmental Statements and the Assistant Directors in consultation with the CEQ may develop more specific criteria and methods for identifying those actions likely to require environmental statements and those actions likely not to require environmental statements. For those actions likely to require preparation of a statement and those actions that may require preparation of a statement depending on the circumstances, the CES, in consultation with the concerned Directorate, shall identify, where necessary, what basic information needs to be gathered, how and when it is to be assembled and analyzed, and on what basis a decision will be made as to

whether or not a statement should be prepared.

(3) The CES shall consist of one representative from each Directorate, one from the OGC, and one from OGP. At the discretion of AD/NIP, representatives of other NSF offices or divisions may be added.

(c) *Other Officials.* (1) *NSF Assistant Directors (ADs).* (i) ADs will inform AD/NIP by memorandum of new or modified projects and activities which may have a significant effect on the environment well before final administrative action is undertaken to approve them for support.

(ii) Should an EIS be required, the Directorate in which the activity generating the EIS is assigned shall be responsible for its preparation. The responsible Directorate through the Program Officer shall assure that the draft statement satisfies, to the fullest extent possible, the requirements established for final statements in accordance with section 102(2) (C) of the Act; and that the draft statement is prepared and furnished to the CES as early as possible in the NSF review process to permit NSF decisionmakers and outside reviewers to give meaningful consideration to the environmental issues involved. ADs should also keep in mind that such statements are to serve as the means of assessing the environmental impact of proposed agency actions, rather than as a justification for decisions already made. This means that the draft statements on administrative actions should be prepared and circulated for comment prior to the first point of decision in the NSF review process. Draft statements should generally be available to the CES at least 8 months before an activity is scheduled to begin.

(iii) Existing projects and programs: ADs have an obligation to reassess ongoing activities (i.e., those which were begun after January 1, 1970, and are continuing to date) to avoid or minimize adverse environmental effects even though the project, program, grant, or contract upon which the activity is based was initiated prior to the approval of the Act on January 1, 1970.

(2) *Program Officer (PO).* (i) Program Officers should be sensitive to proposals and modifications to existing activities which may require an environmental assessment and should contact the proposer for further information with respect to the environmental impact of the proposed activity if the information provided is deemed insufficient for the Foundation to make a determination.

(ii) Where appropriate, Program Officers will advise the prospective applicant in program announcements, RFP's, and other NSF-prepared brochures of the requirement to furnish information regarding any environmental impact which the applicant's proposal may have. (Directorates should also consider making such information a required part of the proposals and related application forms.)



(iii) Initial assessments of the environmental impacts of proposed actions should be undertaken concurrently with initial technical and economic studies and, where required, a draft environmental impact statement should be prepared and circulated for comment in time to accompany the proposal through the NSF review process for such action.

(iv) In cases where the Program Officer is considering recommending an award to an organization or institution, the organization or institution will ordinarily be the source best able to provide information with respect to the environmental impact of the proposed award. Where a Program Officer relies on an NSF awardee or proposer to submit initial environmental information, the PO should outline what is required. The PO is responsible for the scope and content of the draft and final statements.

(v) When more than one agency is involved in an action, consideration should be given to preparation of one statement for all the Federal actions involved. Designation of a single "lead agency" to assume supervisory responsibility for the preparation of the statement should be considered.

(vi) If a Program Officer decides that a grant or proposal leading to a grant has no environmental impact (e.g., a travel grant), no further action is necessary. If a Program Officer decides that (1) a grant or proposal leading to a grant has some environmental impact but that such impact is not significant (see § 640.3(c), supra, for discussion of "significance"), or (2) the proposed action is similar to actions for which NSF has prepared a significant number of impact statements, the Program Officer shall prepare a publicly available record (such as Memorandum to the File) briefly setting forth this decision and the specific reasons for it. A copy of each such "negative determination" shall be forwarded to the CES, which shall maintain a list of such determinations. This list shall be made available to the public on request.

(d) *Commenting entities.* (1) NSF staff, when submitting comments to offices within the Foundation or to other agencies on proposed actions on the basis of draft environmental statements, should make their comments as specific, substantive and factual as possible. Comments should be organized in a manner consistent with the draft statement. Emphasis should be on assessment of the environmental impacts of the proposed action and the acceptability of these impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action. Comments may include recommendations for modifications to the proposed action and/or new alternatives.

(2) NSF staff should indicate whether any of their projects not identified in the draft statement are related to the proposed action. Also, comments should indicate the nature of any monitoring of the environmental effects of the proposed project that appears particularly appropriate.

(3) Comments requested by NSF from other agencies should follow the same format.

(4) Final statements shall be responsive to the comments received.

(e) *CEQ Requests and assistance.* NSF shall respond to requests from the CEQ for reports and other information dealing with issues arising in connection with implementation of the Act, including requests for the production of either an impact statement or a negative determination that an impact statement is not necessary.

#### § 640.5 Implementation.

(a) In such cases where evaluation identifies actions which will have a significant effect on the environment, environmental statements will be prepared by the responsible AD in accordance with section 102(2)(C) of the Act, the Guidelines, and this Part, for review by the CES which shall forward the statement for approval to AD/NI. Every effort should be made to convey the required information succinctly, in a form easily understood, both by the public and public decisionmakers.

(b) *Requirements for content of environmental statements.* The following points will be covered in draft and final environmental statements:

(1) A description of the proposed or ongoing action, a statement of its purposes, and a description of the environment affected, including summary, technical data, maps, and diagrams where relevant, adequate to permit a careful assessment of the potential environmental impact by commenting agencies and the public, shall be set forth. Highly technical and specialized analyses and data should be avoided in the body of the impact statement. They should be attached as appendices or footnoted with adequate bibliographic references. Additional details are contained in the Guidelines, § 1500.8(a)(1).

(2) The interrelationships and cumulative environmental impacts of the proposed action and other related Federal projects shall be presented in a statement as well as the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity (Guidelines, § 1500.8(6)). This stipulation in essence requires an assessment of the action for cumulative long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. Any probable adverse environmental effects which cannot be avoided should be summarized in the statement.

(3) The probable environmental impact of the proposed or ongoing action, including impact on ecological systems such as vegetation, wildlife, fish, and other aquatic life, both primary and significant secondary consequences for the environment, should be included in the analysis. This also requires assessment of the proposed action as it affects both the national and international environment (Guidelines, § 1500.8(3)(i)(ii)).

(4) Relation to established Federal and local policies. The relation of the proposed action to land use plans, policies, and controls for the affected area shall be explored and described where necessary.

(5) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health, and other consequences adverse to the environmental goals set forth in the Act) must be discussed and an indication given of what other interests and considerations of Federal policy may offset the adverse environmental effects of the proposed action.

(6) Alternatives to the proposed action. The Act requires that an agency "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects, if any, is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the NSF review process in order not to foreclose prematurely options which might have less detrimental effects. NSF should consider, where appropriate, alternative designs or details of its proposed actions which will significantly conserve energy (Guidelines, § 1500.8(a)(4)).

(7) Commitment of Resources. Any irreversible and irretrievable commitments of resources (e.g., natural, monetary and cultural resources), which would be involved in the proposed action should be identified. This point requires identification of the extent to which the action curtails the range of beneficial uses of the environment.

(8) Response to Review Comments. Where appropriate, a discussion of problems and objections raised by other Federal agencies, State and local entities, and private organizations and individuals in the review process and the disposition of the issues involved should be set forth.

(9) Summary Sheet. Appendix I to the Guidelines prescribes the form of the summary sheet which must accompany each draft and final environmental statement.

(c) *Supportive studies.* The responsible Directorate shall examine carefully the basis on which supportive studies have been conducted to assure that such studies are objective and comprehensive in scope and in depth.

(d) *Additional criteria.* The Act requires that the decisionmaking involved "utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts." If such disciplines are not represented on the NSF's staff, appropriate use should be made of relevant staffs of Federal, State, and local agencies, and



universities. The credibility of team members who write a statement may be questioned if all are from a single institution, business, or Government agency.

#### § 640.6 Lead time.

Lead time of at least eight months should be allowed prior to the first action having a significant environmental impact, so that draft and final statements may be prepared and distributed before a program or project gets underway.

#### § 640.7 Reviews.

(a) *Federal agency review.* (1) Appendix II of the Guidelines has divided areas of environmental impact into three major categories: (1) Pollution, (2) energy supply and natural resources development, and (3) land use and land management, and have indicated Federal agencies and Federal-State agencies with special expertise in these categories. Accordingly, the advice and comment of the appropriate component(s) of agencies listed in Appendix II will be requested.

(2) When appropriate, the consultation requirements of the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., and the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., shall also be met.

(b) *Time limits.* A time limit of not less than forty-five (45) days is established for comments on the draft EIS, after which it may be presumed that the agency or party consulted has no comment to make. Extensions of up to fifteen (15) days may be given. In determining an appropriate period for comment, the nature of the statement and the extent of public interest should be considered.

(c) *Water quality aspects.* With respect to water quality aspects of a proposed action which have been certified previously by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency (EPA) should also be requested.

(d) *EPA review and applicability of section 309 of the Clean Air Act, as amended.* An agency action relating to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, generally applicable environmental radiation criteria and standards, or other provisions of the authority of the Administrator of the Environmental Protection Agency must be submitted to the Administrator for his review and comment in writing. This requirement includes proposals for new Federal construction projects and other major agency actions governed by section 102 (2)(C) of the National Environmental Policy Act, as well as proposed legislation and regulations, whether or not section 102(2)(C) applies. A period of 45 days will be allowed for such review. Copies of draft and final statements shall, in all cases, be sent to the EPA.

(e) *State and local review.* Review of the proposed action by the appropriate State and local environmental agencies will utilize procedures established by

OMB Circulars No. A-85 and A-95, when applicable. Where these procedures are not appropriate, and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement by State and local agencies will be obtained by NSF by distributing the draft to the appropriate State, regional and metropolitan clearinghouses, unless the Governor of the State involved has designated some other point for furnishing this review.

#### § 640.8 Review process requirements.

(a) The review of draft environmental impact statements by Federal agencies (including the Environmental Protection Agency), State and local agencies, and private organizations and individuals will commence immediately upon the receipt of a draft statement. To the maximum extent practicable, no administrative action subject to section 102(2)(C) shall be taken sooner than 90 days after a draft environmental statement is circulated for comment, furnished to the Council on Environmental Quality, and made available to the public. Further, no such administrative action shall be taken sooner than 30 days after the final text of the environmental statement together with comments received in the review process, has been made available to the CEQ and to the public; however, these two periods may run concurrently.

(b) A Directorate may at any time supplement or amend a draft or final environmental statement, particularly when substantial changes are made in the proposed action, or significant new information becomes available concerning its environmental aspects. The CES will consult with the CEQ on whether or not the statement should be recirculated.

(c) The minimum period for review of an impact statement is calculated from the date of publication in the FEDERAL REGISTER of the Council's listing notifying the public of issuance of the impact statement.

(d) CES will send copies of final statements with comments attached to all parties who filed substantive comments on the corresponding draft statement. The final impact statements and comments should accompany the proposal through the normal review processes.

#### § 640.9 Public Information.

(a) *Policy.* In accordance with the terms of the Act and of the Executive Order, NSF will undertake to insure the fullest practicable provisions for timely public information and understanding of activities with environmental impact in order to obtain the views of interested parties.

(b) *Hearings.* Whenever appropriate and where public interest in a proposed NSF activity is great, public hearings may be held. Draft environmental statements on which a hearing is to be held shall be made available to the public at least fifteen (15) days prior to the time of such hearings.

(c) *Availability to the public.* (1) Availability of a draft environmental statement shall be announced at the

earliest possible date after completion of the statement. Copies shall be made available to all organizations and individuals that request an opportunity to comment.

(2) Materials to be made available to the public shall be provided without charge to the extent practicable, or at a fee which is not more than the NSF's actual cost of reproducing copies required to be sent to other Federal agencies, including the CEQ.

(3) CES will: (i) Maintain a list of administrative actions for which environmental statements are being prepared; (ii) revise the list at regular intervals, based on input from Directorates, and send revisions to the CEQ; and (iii) make the list available for public inspection on request. The public shall also be apprised of NSF determinations that impact statements are not required, in the same manner as provided for lists of statements in preparation (Guidelines, § 1500.6(e)).

#### § 640.10 Submission to the Council on Environmental Quality.

As soon as they have been prepared, ten (10) copies of the draft environmental statement, five (5) copies of all comments made thereon, and ten (10) copies of the final environmental statement, together with all comments received thereon, will be filed with the Council on Environmental Quality. In addition, any comments requested of the Foundation on an action by another agency having an environmental impact will be forwarded in ten (10) copies to the Council at the time the comments are submitted to the responsible agency. At the same time that copies of draft and final statements are sent to the Council, copies should also be sent to relevant commenting entities as set forth in §§ 1500.9 and 1500.10(b) of the Guidelines. The Chairman of the CES will be responsible for such submittals to the CEQ.

#### § 640.11 Emergency circumstances.

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of the guidelines concerning minimum periods for agency review and advance availability of statements, the CES shall consult with CEQ about alternative arrangements (Guidelines, § 1500.11(e)). Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the CES should consult with the CEQ on appropriate modifications of the designated minimum periods.

#### § 640.12 Office of Management and Budget.

(a) OMB Bulletin No. 72-6, dated September 14, 1971, subject: "Proposed Federal Actions Affecting the Environment," establishes procedures for taking or proposing action in connection with the submission of legislative proposals or reports on bills coming within the scope of section 102(2)(C) of the Act.



(1) The Foundation is responsible for determining which of its legislative proposals or reports on bills require preparation of an environmental impact statement and for obtaining comments on such statement from appropriate Federal, State, and local agencies. When an environmental statement is required, information copies should accompany the legislative proposal or report submitted. If the statement is not ready at that time, the submission should indicate when it will be available.

(2) OMB will consult with the CEQ in all cases where statements are submitted or are in preparation. Where the clearance process discloses the need for or the modification of an environmental impact statement, OMB will request the Foundation to take the necessary action. After clearance by OMB, the Foundation will submit the statement to appropriate Congressional Committees in accordance with the Guidelines of the CEQ.

(3) Annual budget estimates of Foundation activities which require the preparation of an environmental impact statement must be accompanied by a summary list, prepared on Exhibit 1 of the above-referenced OMB Bulletin. In the case of actions for which assessment of the potential impact on the environment is impossible or the need for an environmental impact statement has not been determined, the Foundation will include a narrative statement about the general impact, and an estimate of when the need for a statement will be determined.

(b) In addition to the summary list above, the Foundation must notify the OMB budget examiner, at the earliest possible time, of any action to be included in the budget estimate which will have environmental impact of a particularly significant or controversial nature. OMB staff may request draft and final environmental statements and information to update the summary list.

#### § 640.13 Information Available Within NSF.

To assist Foundation staff in preparing environmental impact statements, copies of the National Environmental Policy Act, Executive Order 11514, the CEQ Guidelines, the OMB Bulletin, and draft and final environmental impact statements and related materials are available from the CES.

Dated: November 9, 1973.

R. L. BISPLINGHOFF,  
Acting Director.

[FR Doc.73-24303 Filed 11-14-73; 8:45 am]

## DEPARTMENT OF DEFENSE

Office of the Secretary

[ 32 CFR Part 214 ]

### ENVIRONMENTAL IMPACT STATEMENTS

#### Proposed Procedures for Preparation and Processing

The National Environmental Policy Act (Pub. L. 91-190), Executive Order Quality Guidelines dated August 1, 1973,

11514 and the Council on Environmental require Federal agencies to develop procedures for the preparation and processing of environmental impact statements for legislative proposals, and other major Federal actions which may significantly affect the quality of the human environment. The proposed revised rules reflect the experience gained by the Department of Defense in preparing and processing environmental statements and changes required by the revised CEQ guidelines dated August 1, 1973.

Interested persons are invited to submit their written comments and suggestions concerning the proposed rules to the Assistant Secretary of Defense (Health and Environment), Room 3D171, Pentagon, Washington, D.C. 20301. All comments received on or before December 31, 1973, will be considered before finalizing the proposed rules. Written comments received pursuant to this notice will be made available for public review during business hours at the above address.

Sec.	Purpose.
214.1	Applicability and scope.
214.2	Policy and objectives.
214.3	Responsibilities.
214.4	Reporting requirements.
214.5	Determinations of requirements for environmental statements.
214.6	Major actions significantly affecting the quality of the human environment.
214.7	Preparation and processing of environmental statements.
214.8	Quarterly CEQ report.
214.9	References.
214.10	

AUTHORITY: Sec. 1, 83 Stat. 853 (42 U.S.C. 4332).

#### § 214.1 Purpose.

This revision reiterates and amplifies DoD policy, responsibilities and procedures for assessing the environmental impact of Defense actions on the quality of the human environment as required by Pub. L. 91-190, "National Environmental Policy Act of 1969," January 1, 1970; Pub. L. 91-604, "Clean Air Amendments of 1970," December 31, 1970; section 409 of Pub. L. 91-121, "Armed Forces Appropriation Authorization, 1970," November 19, 1969, as amended by section 506 of Pub. L. 91-441, "Armed Forces Appropriation Authorization, 1971," October 7, 1970; Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 7, 1970 (35 FR 46, 4247 (1970)); Executive Order 11507, "Prevention, Control and Abatement of Air and Water Pollution at Federal Facilities," February 5, 1970 (35 FR 25, 2573 (1970)); Executive Office of the President, Council on Environmental Quality, "Preparation of Environmental Impact Statements: Guidelines"; Executive Office of the President, Office of Management and Budget, "Proposed Federal Actions Affecting the Environment," Bulletin No. 71-3, August 31, 1970; DoD Directive 5100.50, "Protection and Enhancement of Environmental Quality," May 24, 1973; DoD Directive 5500.5, "Natural Resources—Conservation and Management," May 24, 1965 (30 FR

14908); Executive Office of the President, Office of Management and Budget, Circular No. A-95 (Revised), February 9, 1971 (Parts I and II); and "Directory of State, Metropolitan and Regional Clearinghouses," under OMB Circular No. A-95 (Revised), April 19, 1971, insofar as they require inclusion of environmental considerations in the decisionmaking process.

#### § 214.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, Unified and Specified Commands, and Defense Agencies (hereafter referred to collectively as "DoD Components"):

(1) Unified and Specified Commands shall process environmental matters under normal JCS procedures except for environmental statements which shall be processed in accordance with the procedures contained in this Part.

(2) The Secretary of the Army may prescribe separate criteria and procedures for determining the need for and processing of environmental impact statements (EIS) with respect to Civil Functions of the Corps of Engineers.

(b) This part applies to Defense actions worldwide except for:

(1) Multinational actions in which the DoD is not the primary decisionmaking authority.

(2) Combat or combat-related activities in a combat zone; and

(3) Other emergency activities.

(c) In countries or areas not under U.S. control or administration DoD action with the exception of those noted above are subject to the environmental laws, regulations, and stipulations of the foreign government concerned and whatever agreements may exist between the U.S. and the country involved.

#### § 214.3 Policy and objectives.

(a) It is the continuing policy of the Department of Defense, as a trustee of the environment, to demonstrate leadership and carry out its mission of national security in a manner consistent with national environmental policies and host country environmental standards, laws and policies. All practical means and measures will be used to minimize or avoid adverse environmental consequences and in attaining the objectives of:

(1) Providing a safe, healthful, productive, and esthetically and culturally pleasing surrounding.

(2) Attaining the widest range of beneficial uses of the environment without degradation, risk to health or safety or other undesirable and unintended consequences.

(3) Preserving important historic, cultural, and national aspects of our national heritage and maintaining where possible an environment which supports diversity and variety of individual choice.

(4) Achieving a balance between resources use and development within the



sustained carrying capacity of the ecosystem involved.

(5) Enhancing the quality of renewable natural resources and approaching the maximum attainable recycling of depletable resources.

(b) Toward this end, DoD Components shall:

(1) Assess at the earliest practical stage in the planning process and in all instances prior to the first significant point of decision, the environmental consequences of proposed actions.

(2) Review those continuing actions initiated prior to enactment of Pub. L. 91-190, National Environmental Policy Act, January 1, 1970, for which the environmental consequences have not been assessed and ensure that any remaining actions are consistent with the provisions of this Part.

(3) Utilize a systematic interdisciplinary approach in planning and decision-making.

(4) Concurrently consider along with economic and technical considerations unquantifiable environmental amenities and values in planning and decision-making.

(5) Prepare and process under the criteria contained in §§ 214.6, 214.7, and 214.8 a detailed environmental impact statement on every recommendation or report on proposals for legislation and other major defense actions which are expected to be environmentally controversial or could cause a significant effect on the quality of the human environment.

(6) Study, develop and describe appropriate alternatives to the recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

(7) Recognize the worldwide and long-range character of environmental problems and where consistent with national security requirements and the foreign policy of the U.S., lend appropriate support to initiatives, resolutions and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world human environment.

(8) Make available advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(9) Utilize ecological information in planning and developing resource oriented projects.

(10) Assist the Council on Environmental Quality (CEQ) as required by the Council on Environmental Quality Impact Statement Guidelines.

(11) Refrain from taking any significant implementing steps on administrative actions until 90 days has elapsed after filing the draft environmental statement and 30 days has elapsed after filing the final statement, except as provided in § 214.8(h).

#### § 214.4 Responsibilities.

(a) The ASD (H&E) shall:

(1) Serve as the Secretary of Defense's responsible official under the National Environmental Policy Act and the

focal point for all Defense environmental matters.

(2) Be responsible for this part.

(3) Provide assistance and advice on the preparation/processing of environmental assessments and statements and assign with the advice and coordination of the appropriate ASD's single service or lead office responsibilities in preparing and processing EIS's and environmental assessments when more than one Defense component is involved.

(4) Review draft environmental statements submitted by DoD components and other Federal agencies and solicit comments concerning such statements within the Office of the Secretary of Defense and from appropriate DoD Components, and provide consolidated comments to the requesting component or agency that submitted the draft statement.

(5) Review issuances of the Office of the Secretary of Defense which have environmental implications to determine if environmental statements are required and to insure that environmental considerations are built into the decision-making process.

(6) Maintain liaison with CEQ, the Environmental Protection Agency (EPA), the Office of Management and Budget (OMB), and other Federal agencies and State and local groups, with respect to the environmental policies affecting the Department of Defense.

(7) In coordination with DoD Components, revise, supplement, consolidate, or cancel §§ 214.6, 214.7, 214.8, and 214.9 of this part as may be required to implement more effectively the policies set forth in this part.

(8) Maintain a current quarterly DoD consolidated list of actions for which EIS's have been prepared or are under preparation, and a list of negative declarations.

(9) Retain until the project is completed a copy of each draft and final environmental statement prepared within the Office of the Secretary of Defense for review by members of the public.

(10) Direct the preparation of EIS's for required actions.

(b) The Director of Defense Research and Engineering, Assistant Secretaries of Defense, and Assistants to the Secretary of Defense within their respective functional areas of responsibilities shall:

(1) Monitor the application of policies contained in this part with respect to the environmental aspects of continuing and proposed programs and projects.

(2) Develop procedures for periodic evaluation to determine when an environmental statement is required for a research and development program and insure that statements required for programs or actions are prepared and processed.

(3) Insure that all regulations, directives, instructions, and other major policy publications are reviewed for environmental consequences, and, when such consequences are significant, withhold publication of issuances until compliance with section 102(2)(C) of Pub. L.

91-190, National Environmental Policy Act, January 1, 1970.

(4) Coordinate as appropriate the preparation of environmental statements with other elements of the Department of Defense.

(5) Designate a single point of contact within their offices for matters pertaining to this part.

(6) Assist ASD (H&E) in the review of environmental assessments and statements.

(7) Coordinate proposed directives and instructions that have environmental implications with ASD (H&E).

(c) The General Counsel shall:

(1) Keep the ASD (H&E) advised of all legislative actions taken which have environmental implications on Defense actions.

(2) Be responsible for the timely preparation of EIS for legislation reports and proposals significantly affecting the environment other than appropriation and authorization acts.

(3) Advise the ASD (H&E) on matters relating to litigation interpretation of statutory requirements and other areas as appropriate.

(d) The Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Directors of Defense Agencies, and Commanders of the Unified and Specified Commands for operations under their jurisdiction, shall:

(1) Assess continuing and proposed programs and actions for their environmental consequence in accordance with the policies of this part, and prepare and process environmental statements required for actions within their respective DoD Components.

(2) Insure that applicable issuances and other major policy publications are reviewed for environmental consequences, and when such consequences are significant, withhold implementation until compliance with section 102(2)(C) of Pub. L. 91, 190, National Environmental Policy Act, January 1, 1970.

(3) Review environmental statements in their areas of expertise in accordance with the Council on Environmental Quality Preparation of Environmental Impact Statement Guidelines.

(4) Designate a single point of contact for matters pertaining to this Part.

(5) Retain a copy of each draft and final EIS prepared by the applicable component until the project is completed and designate an office responsible for making such statements available to the public.

(6) Prepare and maintain applicable list of administrative actions for which EIS's have been prepared or are being prepared and list of negative declarations and statements pertaining to negative determinations.

#### § 214.5 Reporting requirements.

(a) *Type information required.* Submission is required of a report at least quarterly to CEQ for actions on which environmental statements have been prepared, are being prepared, and in certain situations when it has been decided that an impact statement is not required.



Under these circumstances, the component is required to prepare a publicly available record briefly setting forth the component's decision and reasons for determination.

(b) *Submission procedure.* DoD Components will submit in triplicate to ASD (H&E) a quarterly listing covering the above actions as prescribed in § 214.9 and documentation for applicable negative determinations. This information is to arrive no later than 20 days after the quarter for consolidation and submittal to CEQ. The Unified and Specified Commands shall submit the required information to OJCS 15 days after the quarter for consolidation and submittal to ASD (H&E). Where more than one component is directly involved in preparing an EIS, only the lead agency will report the action. The initial submission shall cover the period September 1, 1973 to March 1, 1974. This reporting requirement has been assigned Reports Control Symbol DD-H&E(AR) 1068.

**§ 214.6 Determinations of requirement for environmental statements.**

(a) *General.* (1) Section 102(2) (C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190), requires that a detailed environmental statement be included in "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

(2) Executive Order 11514, March 7, 1970 directs the Council on Environmental Quality to issue guidelines to Federal agencies for the preparation of the environmental statements required by section 102(2) (C) of the National Environmental Policy Act of 1969.

(3) On August 1, 1973, the Council on Environmental Quality published revised guidelines for the preparation of environmental statements (Preparation of Environmental Impact Statements: Guidelines). These guidelines contain general guidance for determining when an environmental statement is required.

(4) This section interprets and amplifies the general guidelines of the Council on Environmental Quality for Department of Defense actions.

(b) *Geographical location of actions.*

(1) Environmental statements are required for actions described in paragraphs (c) and (d) of this section conducted anywhere in the world, when they are major and significant. For major significant Defense actions conducted in, or partly in, areas which are in or under the jurisdiction of a nation other than the United States, the DoD Component responsible for the action shall provide to the ASD (H&E) the full particulars, a recommendation as to whether or not a statement should be prepared, reasons for the recommendation, and an evaluation of the effect of a statement on U.S. foreign relations. The ASD (H&E) shall coordinate these latter cases as appropriate, and shall furnish procedural instructions to the responsible DoD Component.

(2) Environmental statements are not required for multi-national activities (such as NATO) when the DoD Component involved does not have primary decisionmaking authority, or for combat or combat-related activities in a combat zone. (See paragraph (b) of this section.)

(3) The DoD Component shall comply with applicable environmental laws and policies, even though an environmental statement is not required. In countries or areas not under U.S. control or administration, projects or activities are subject to the generally applicable environmental laws, regulations and stipulations of the foreign government concerned.

(c) *Actions included.* (1) The legislative history of the National Environmental Policy Act of 1969 and the guidelines of the Council on Environmental Quality define actions as including, but not limited to, the following:

(i) Recommendations or favorable reports relating to legislation, including that for appropriations.

(ii) Policies, regulations, and procedures-making.

(iii) Projects and continuing activities:

(a) Directly undertaken by federal agencies;

(b) Supported in whole or in part through federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

(c) Involving a federal lease, permit, license, certificate, or other entitlement for use.

(2) Each of the above categories of actions requires somewhat different considerations in determining whether an environmental statement is required.

(d) *Evaluation of requirement for environmental statement.* (1) Proposals for legislation, annual authorization requests, and favorable reports on legislation.

(i) *Legislative proposals other than authorization and appropriation acts.* Prior to preparing a legislative proposal, the DoD Component shall assess the environmental consequences of the proposal using the factors in § 214.7. If it is determined that the proposal would significantly affect the environment, an environmental statement is required and shall be submitted with the proposal.

(ii) *Annual budget requests.* Prior to submitting annual budget requests, the environmental consequences of each line item requested for inclusion shall be assessed by the DoD Component making the requests using as a minimum the factors in § 214.7(c). For those items which are identified as major actions having a significant effect on the environment, or which are controversial, an environmental statement shall be prepared which will accompany the budget request. Additional guidance is contained in the Budget Guidance Manual DoD 7110.1-M<sup>1</sup> and DoD Instruction 7040.4.<sup>1</sup>

(iii) *Favorable reports on legislation.* (a) If the Department of Defense (DoD) is not the Federal agency that has pri-

mary responsibility for the subject matter involved in the legislative item, no environmental statement is required from DoD. If it is not clear from the legislative item whether DoD is the primary Federal agency responsible for the subject matter involved in the legislative item, advice should be sought from the General Counsel, Department of Defense.

(b) If DoD is the Federal agency that has primary responsibility for the subject matter involved in the legislative item, the DoD Component responsible for preparing the DoD report on the item shall assess the environmental consequences of the proposal, using the factors in § 214.7. If the assessment indicates that the proposal would significantly affect the quality of the human environment, an environmental statement is required and should accompany the report.

(2) Policy, regulations, and procedure making:

(i) This shall be construed to apply to publications including, but not limited to, directives, instructions, regulations, manuals, or major policy statements of all DoD Components.

(ii) The DoD Component shall assess the environmental consequences for each proposed publication, using the factors in § 214.7. If it is determined that actions generated by the publication will significantly affect the environment, an environmental statement is required unless the publication is an implementation of a publication from another DoD Component and the environmental consequence will not deviate significantly from those of the basic publication. In these latter cases, the DoD Component responsible for the basic publication has the responsibility for assessing the environmental consequences of its publication and preparing an environmental statement.

(iii) If a proposed publication of a DoD Component is to be published for the purpose of implementing a Federal law or a publication of an agency outside of the Department of Defense, and actions resulting from the law or publication will significantly affect the quality of the environment, an environmental statement is required unless an environmental statement which covers the environmental impact of the DoD Component's publication was submitted in connection with adoption of the law or the other agency's publication.

(3) Projects and continuing activities:

(i) This category includes the majority of the operations and activities of DoD Components. The Components are encouraged to develop plans, programs, and procedures for routine projects and continuing activities having an impact on the environment. Environmental statements should be prepared for these plans, programs, and procedures rather than for particular or individual actions taken pursuant to these plans, programs, or procedures. Only when a particular proposed action involves a potential impact on the environment not considered in the environmental statement for the applicable plan, program, or procedure,



will it be considered necessary to prepare an impact statement on that individual or particular proposed action.

(ii) Each proposed project or activity shall be assessed for environmental consequences, using the factors in § 214.7, and:

(a) If it is determined that the action will not significantly affect the environment, any written assessment of the environmental aspects of an anticipated action shall be retained by the Component making the assessment until the action is completed.

(b) If it is determined that the action is major and will have a significant effect on the environment, a statement is required, unless it is excepted by paragraph (d) (3) (iii), (iv), and (v) of this section.

(iii) If an environmental statement was submitted for a project or activity under these procedures, no additional environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from the project or activity that were not covered by the environmental statement.

(iv) If a project or activity is being carried out pursuant to a publication for which an environmental statement was submitted, no environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from that project or activity that were not covered by the environmental statement.

(v) Combat or combat-related activities in a combat zone, riot control activities, and other emergency activities do not require environmental statements.

(vi) On occasion, laws other than the National Environmental Policy Act require the Department of Defense to gain approval of another Federal agency before commencing certain types of actions that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible official from preparing and processing an environmental statement if the proposed action is a major action that would significantly affect the quality of the human environment. In this connection, compliance with Pub. L. 91-190 is applicable unless existing law applicable to a specific action or activity expressly prohibits or makes compliance impossible. However, insofar as practicable, the draft environmental statement format should be used in complying with other laws to minimize duplication of efforts.

§ 214.7 Major actions significantly affecting the quality of the human environment.

(a) It is impossible to list categorically all DoD projects or activities that are "major federal actions significantly affecting the quality of the human environment." In making a judgment in a particular case, it will be necessary for the proponent of the action to assess the expected environmental effects of the action in conjunction with the intent of

the National Environmental Policy Act (NEPA) as implemented by the Council on Environmental Quality (CEQ). It is essential that all the environmental effects of an action be assessed, whether those effects are adverse or beneficial. In determining whether or not the effects of an action are significant, the proponent must evaluate the nature and degree of all effects on the environment. These may be significant even though the net environmental effect of the proposed action will be beneficial.

(b) DoD Components shall insure that a decision is not made until the environmental consequences of the decision have been assessed. If the assessment indicates that the decision will either affect the environment on a large geographical scale or have a serious environmental effect in a more restricted geographical area, the proposed action shall be considered a Major Action Significantly Affecting the Quality of the Human Environment (MASAQHE), and the decision shall be deferred until federal agencies possessing special expertise or persons affected by the environmental effects of the decision have had an opportunity to present their views. It is necessary to consider not only the degree of effect on the environment but also the scope of the action and the potential effect of the action on other persons.

(1) If a DoD Component or a major military command intends to take an action that will influence subactivities in many subordinate units, and the subactivities will each affect the environment, the action is probably a MASAQHE even though a single subactivity may not be in that category. For example, a limited maneuver or training exercise by small elements of a Military Department might not be a major action nor would it normally affect the environment significantly. However, if a Military Department intended to publish a regulation that includes provisions prescribing the environmental considerations that were to be given to the planning of all training exercises or maneuvers of the DoD component for an indefinite period of time, then it might be expected that such a regulation would have a significant effect on the quality of the environment because it would govern numerous activities which individually would have some effect on the environment. Thus, the regulation should be construed to be a MASAQHE.

(2) Another example of an action that could be a MASAQHE is a major realignment of the component involving numerous installations or activities, in this instance, the impact at one installation may be small but because of the numerous installations involved the overall impact may be significant, especially insofar as the secondary socioeconomic impacts are concerned.

(3) An example of an action that should be classified as a MASAQHE because of a localized effect is an extremely noisy activity to be conducted by a DoD Component near a residential area, where the resulting noise might seriously affect the comfort of residents of the area over an extended period. In

keeping with the intent of NEPA, no decision should be made to take any actions until those residents have been given an opportunity to present their views and their views have been carefully considered.

(4) In many cases broad statements will be required in order to assess the environmental effects of a number of individual actions on a geographical area, or environmental impacts that are generic or common to a series of contemplated actions.

(c) Just as it is impossible to categorize all actions, so is it impossible to list in advance all of the environmental factors to be considered. The proponent of the action should consider all aspects of the action to determine if it will interfere unreasonably with the living conditions of man, wildlife, or marine life, or with any ecosystems of an immediate, short-range or long-range basis. Examples of some factors that may be considered as applicable are:

(1) *Pollution effects*—(i) *Air quality*. (a) Will the action result in emissions into the atmosphere of toxic or hazardous substance or significant amounts of other pollutants?

(b) Will the action result in the creation of excessive noise, when considering the proximity of the likely effects of the noise on humans or wildlife?

(c) Will the action tend to reduce the amount of pollution in the atmosphere?

(ii) *Water quality*. (a) Will the action: (1) Introduce toxic or hazardous substances or significant amounts of chemicals, organic substances or solid wastes into bodies of water.

(2) Significantly increase sedimentation in a body of water.

(3) Significantly alter the temperature of a body of water.

(b) Will the action improve the quality of a body of water?

(iii) *Effects of*. (a) Solid waste disposal.

(b) Hazardous substances disposal.

(2) *Effects on energy supply and natural resources development*. (i) Will the action require the use of non-renewable energy sources in apparently excessive or disproportionate amounts?

(ii) Will the action result in significant destruction of vegetable, wildlife or marine life?

(iii) Will the action enhance the quality of renewable natural resources?

(iv) Will the action significantly affect soil quality?

(v) Will the action result in contamination or deterioration of food or food sources?

(vi) Will the action significantly affect, beneficially or adversely, other forms of life or ecosystems of which they are a part?

(3) *Effects on land use and land management*. (i) Will the action affect:

(a) Population density and congestion?

(b) Neighborhood character and zoning?

(c) Hydrology and flood hazard?

(d) Aesthetic qualities?

(e) Outdoor recreation?



(f) Sites having historic, architectural, or archeological interests?

(d) Certain types of actions require close environmental scrutiny because of the possibility that they may either affect the quality of the environment or create environmental controversy. It is desirable in such cases to have a complete presentation of the environmental aspects of the proposed action, available for any interested party. (For these reasons, considerations shall be given to documenting the environmental effect of the following types of actions as written.) The assessment shall be prepared in the same format as an environmental statement and address the salient points that are considered in a draft statement.

(1) Development or purchase of a new type of aircraft, ship or vehicle, or of a substantially modified propulsion system for any aircraft, ship or vehicle.

(2) Development or purchase of a new weapon system.

(3) Real estate acquisition, disposal and outgrants.

(4) Construction projects.

(5) New installations (bases, posts, etc.).

(6) Production, storage, transportation, testing or disposal of lethal chemical munitions, pesticides, herbicides and containers. Use of pesticides or herbicides, when proposed for use other than in accordance with the label as registered or for use over extensive areas.

(7) Mission changes and troop developments which precipitate long term population increases or decreases in any area, with special attention to the socioeconomic factor which may cause indirect environmental impact.

(8) Large quarrying, or earth-moving operations.

(9) Constructing or installing fences or other barriers that might prevent migration or free movement of wildlife.

(10) Proposed construction of new sanitary landfills, incinerators, and sewage treatment plants.

(11) Existing or changes to master plans.

(12) Proposed construction or acquisition of new family housing.

(13) Dredging, and other similar activities in the water.

(14) Exercises on or off Federal property, where significant environmental damage might occur regardless of unit sizes.

(15) Opening areas that were previously closed to the public or closing or limiting of areas that previously were open to public use, such as roads or recreational areas.

(16) Proposed construction on flood plains or construction that may cause increased flooding or activities on wetlands.

(17) Channelization of streams.

(18) Disposal of significant quantities of POL waste products.

(19) Proposed construction of roads, transmission lines or pipelines.

(20) Award or termination of major contracts for supplies of natural resources.

(21) New, revised, or established regulations, directives or policy guidance con-

cerning activities that could have an environmental effect. Regulations, directives, or policy guidance which limit any of the alternative means of performing the actions on this list.

(22) Any action which, because of real, potential or purported adverse environmental consequences, is a subject of controversy among people who will be affected by the action, or which, although not the subject of controversy, is likely to create controversy when the proposed action becomes known by the public.

(e) Even though a written assessment supports the conclusion that an action is not a MASAQHE, an environmental impact statement is to be written on a proposed action which is highly controversial because of environmental aspects. The environmental statement should be based on the information contained in the assessment.

#### § 214.8 Preparation and processing of environmental statements.

(a) *General.* Preparation of environmental statements shall be based on the considerations discussed in the guidelines of the Council on Environmental Quality (CEQ) and the following guidance. These directions are intended to assure consistency of effort in preparing statements. DoD components shall develop procedures for reviewing environmental assessment which identify definite decision points for determining the need to formally submit an environmental statement. Toward this end each DoD component will maintain a list of negative declarations and a list of EIS's under preparation or to be prepared. The list will be supported where applicable by environmental assessments (EA) which meet the substantive requirements a draft EIS and are in the same format. In addition the components will maintain an estimate of the direct costs which are identifiable to the preparation and processing of the EIS. The costs will be broken out as follows:

(1) Salaries of military and civilian personnel.

(2) Associated travel costs.

(3) Research costs directly related to the DEIS.

(4) Contract and consultant costs directly related.

(5) Administrative costs, and

(6) Costs of public hearings.

(b) *Environmental impact statement.* In developing and obtaining the necessary information to prepare a statement, early consultation with other Federal, State and local agencies is encouraged. The EIS should:

(1) Carefully detail environmental impacts, alternatives, and implications of proposed projects and activities and should provide reviewers insight into the particulars associated with the action. Reviewers will expect the statements to be a valid source of information on the proposed action, as well as a reflection of how the proponent views environmental factors and seeks to accommodate them. Since the statements are to be made available to the public, it must be assumed that they will receive careful scrutiny.

(2) Systematically present the environmental impacts and sufficiently describe the physical and environmental aspects to permit independent appraisal and evaluation of the proposal. It should be simple and concise, yet include all pertinent facts. Length will depend upon the particular proposal and the nature of its impacts.

(3) Not be limited to ultimate conclusions, but contain a thorough evaluation of all factors affecting the potential environmental impact of the proposal.

(4) By a complete and objective appraisal of the beneficial and adverse environmental effects of available alternatives, rather than a justification for the proposal. In no case should adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(5) Indicate at appropriate points in the text underlying studies, reports and other information obtained and considered in preparing the statement including applicable cost benefit analyses. Requirements by other statutes such as the Fish and Wildlife Conservation Act, and the National Historic Preservation Act should be combined with the environmental statement. Care should be taken to ensure that the statement remains an essentially self contained document, capable of being understood by the reader without the need for undue cross reference. In the case of references not easily accessible, the statement should indicate how the information may be obtained.

(c) *Content of statement.* The draft statement must fulfill and satisfy to the fullest extent possible at the time the draft is prepared the requirements established for a final statement. The body of an environmental statement shall contain the following separable sections with the length of each being adequate to identify and develop the required information.

(1) *Introduction.*—(i) *Project description.* A description of a proposed action, a statement of its purposes, 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 agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices with adequate bibliographic references.

(ii) *Existing environment of proposed site.* The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other Federal activities in the area affected by the proposed action which are related to the proposed action. The interrelationships and cumulative environmental impacts of the proposed action and other related federal projects shall be presented in the statement. The amount of detail provided in such descriptions should be commensu-



rate with the extent and 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 ensure accurate descriptions and environmental assessments, site visits should be made where feasible. DoD Components should also take care to 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. In discussing these population aspects, consideration should be given 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). In any event, it is essential that the sources of data used to identify, quantify or evaluate any and all environmental consequences be expressly noted.

(2) *Relationship of proposed action to land use plans, policies and controls for the affected area.* (i) This requires a discussion of 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 area affected including those developed in response to the Clean Air Act or the Federal Water Pollution Control Act Amendments of 1972. Where a conflict or inconsistency exists, the statement should describe the extent to which the DoD Component has reconciled its proposed action with the plan, policy or control, and the reasons why they decided to proceed notwithstanding the absence of full reconciliation.

(3) *The probable impact of the proposed action on the environment.* (i) Assessment of the positive and negative effects of the proposed action as it affects both the national and international environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in § 214.7(c). Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(ii) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the analysis. Many major federal actions, in particular those that involve the construction (e.g., new installations, joint use of an installation, etc.), stimulate or induce secondary effects, in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, through their impacts on existing community facilities and activities through inducing new facilities and activities, or through changes

in natural conditions, 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 impacts should be estimated if expected to be significant and an evaluation 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) *Alternatives.* Alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible agency. A rigorous exploration and 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, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the agency 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 taking no 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; alternatives related to different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds vs. cooling towers for a power plant or alternatives that will significantly conserve energy); alternative measures to provide for compensation of fish and wildlife losses, including the acquisition of land, waters, and interests therein. In a draft statement, the component may decide to favor an alternative until comments are received from relevant commenting entities. In each case, the analysis should be sufficiently detailed to reveal the agency's 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 that such treatment is current and relevant to the precise purpose of the proposed action.

(5) *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.* This should be a brief section summarizing in one place those effects discussed in paragraph (c)(3) of this section that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects discussed in paragraph (c)(1) of this section will be mitigated.

(6) *The relationship between local short-term use 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 involved tradeoffs between short-term

environmental gains and 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 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 that would be involved in the proposed action should it be implemented.* Identify from a survey of unavoidable impacts in paragraph (c)(5) of this section the extent to which the action irreversibly curtails the range of potential uses of the environment. Avoid construing the term "resources" to mean only 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) *Considerations that offset the adverse environmental effects.* Indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in paragraph (c)(4) of this section) that some or all of the adverse environmental effects. In this connection, cost benefit analyses of proposed actions should be attached, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental risk have not been reflected in such analysis.

(9) *Summary sheet.* The environmental statement shall be accompanied by a summary sheet which must provide the following information:

(i) Indicate whether the statement is draft or final.

(ii) Give the names of the action and indicate whether it is an administrative or legislative action.

(iii) Provide a brief description of the action and indicate what geographical region (states and counties) is particularly affected.

(iv) Summarize the environmental impact and adverse environmental effects.

(v) List alternatives considered.

(vi) (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.

(vii) Provide the dates the draft statement and final statement were made available to the CEQ and the public.

(d) *Draft statement.* (1) Draft statements are those statements that have been prepared in accordance with the guidance of this enclosure and for which review comments will be requested from other DoD components, the CEQ, and appropriate federal, state, local agencies, and the public.

(i) Three (3) copies of each draft environmental impact statement concerned with the annual budget request must accompany the recommendation through components review process to OSD. Additionally, in those instances where it has



been determined that a project or activity will not have a significant impact on the environment such determination must be stated on the project/activity request. Additional guidance can be found in the Budget Guidance Manual, DoD 7110.1-M and DoD Instruction 7040.4. It is the responsibility of the DoD Component to provide required environmental statements to the appropriate Congressional Committees at the time the legislative request is forwarded to the Congress. Distribution of the DEIS to other agencies and to the public for comment shall be withheld until the legislative request has been forwarded to the Congress. However, if the DEIS does not divulge the fiscal year or the monetary amount involved the DEIS can be distributed when approved by the concerned component.

(ii) In other cases where premature release would be contrary to existing administrative procedures or otherwise be inappropriate, distribution to other agencies and to the public for comments shall be made at the earliest appropriate time.

(iii) Normally it should not be necessary for a DoD Component to obtain OASD (H&E) approval prior to distributing the draft environmental statement outside the Department of Defense. This procedure does not alter any requirement that may exist to coordinate the action itself within OSD prior to public release or to follow appropriate security review procedures.

(iv) The advice of the Assistant Secretary of Defense (Public Affairs) shall be obtained through established command channels before routing outside of the Department of Defense environmental statements that have significant public affairs implications. The official designated by a DoD Component to make determinations regarding release of draft environmental statements outside of the Department of Defense should consult with Public Affairs' officers to familiarize himself with the subject matter they consider to be newsworthy and to advise them of all requests from the news media.

(2) Subject to the requirements of DoD Directive 5200.1-R Information Security Program Regulation pertaining to the identification, safeguarding, and dissemination of classified information and to DoD Directive 5230.9, Clearance of DoD Public Information, pertaining to security review for public release approval, distribution of the draft statement shall be as follows:

(i) Three (3) copies to OASD (H&E). (These copies are in addition to those required by (c) (1) (i) of this section.)

(ii) Ten (10) copies to the CEQ who will publish a list of statements in the FEDERAL REGISTER. The date of publication in the FEDERAL REGISTER shall be the date from which the minimum review period shall be calculated.

(iii) One (1) copy to the EPA Washington office and six (6) copies to the cognizant EPA regional office as dictated by the geographical location of the proposed action.

(iv) A minimum of two (2) copies to appropriate federal agencies having

jurisdiction by law or special expertise with respect to any environmental impact involved. Appendix II of the CEQ Guidelines lists the agencies grouped according to three major categorical environmental impacts: (a) Pollution, (b) energy supply and natural resources development, and (c) land use and land management.

(v) Two (2) copies to state and local agencies authorized to develop and enforce environmental standards when the proposed action affects matters within their jurisdiction. These copies shall be sent to the appropriate state and regional or metropolitan clearinghouses in accordance with the procedures prescribed in OMB Circular No. A-95 unless the Governor of the state involved has designated some other point of contact for obtaining the state and local agency review. The clearinghouses are listed in the Directory of State, Metropolitan, and Regional Clearinghouses under OMB Circular No. A-95 (Revised) of April 19, 1971.

(vi) Two (2) copies of each to the cognizant Committees of the House and Senate in support of legislative proposals.

(vii) Statements are to be made available to relevant public commenting entities free of charge or at a fee which is not more than the actual cost of reproducing copies required to be sent to government agencies.

(viii) At such time as the draft statement is forwarded to the CEQ, other federal, state, and local agencies, it shall be made available to the public (to any organization or individual upon request) in accordance with these rules. The DoD Component shall solicit the views of public and special interest groups and in appropriate cases hold public hearings on the proposed action. Public hearings shall be conducted informally and need not be prolonged beyond a reasonable time necessary to obtain a representative view of the various segments of the public. No public hearings need be held in connection with proposed legislation in view of the opportunity for public hearings in connection with Congressional consideration of the bill. However, informal public hearings may be appropriate in the following situations:

(a) Where the proposed action by the agency will have a direct or peculiar impact on the people residing in a particular geographical area in terms of magnitude of economic costs or commitment of resources.

(b) Where public organizations or members of the public possess expertise concerning the impact of the action that may not otherwise be available.

(c) Where no overriding consideration of national security or time makes it illegal or impracticable to involve such organizations or members of the public in the consideration of a proposed action in which a high degree of interest by the public or other federal, state or local authority is evidenced by written request that a hearing be held.

(ix) When it is determined that a public hearing will be held and a draft

environmental statement is to be issued, copies of the draft statement should be made available to the public at least fifteen (15) days prior to the hearing.

(x) The DoD component seeking review and comments may establish time limits of not less than 45 days for reply after CEQ publishes the action in the FEDERAL REGISTER. If the agency consulted does not reply within the established time limit, it may be presumed that the agency has no comment to make, unless a specific request for an extension of time has been made. DoD Components should endeavor to comply with request for extensions of time up to 15 days. In determining the length of the review period, consideration should be given to magnitude and complexity of the statement and the possible extent of citizen interest.

(e) *Final statement.* (1) Final statements are prepared after receipt of review comments provided by other agencies. In many cases, the final statements can be prepared by making minor revisions to the draft statement and attaching the review comments received from other sources. In other cases, it may be necessary to make major revisions to the draft statement. In either case, it may be appropriate to provide a discussion of problems and objections raised by other federal, state and local agencies and by private organizations and individuals and the disposition of the issues involved. Along with the comments received, this discussion should be attached to the final text of the environmental statement.

(2) Subject to the requirements of DoD Directive 5200.1-R Information Security Program Regulation pertaining to the identification, safeguarding and dissemination of classified information and DoD Directive 5230.9 Clearance of DoD Public Information pertaining to security review for public release approval, distribution of the final statement shall be as follows:

(i) One (1) copy to OASD (H&E).

(ii) Ten (10) copies to the CEQ.

(iii) Five (5) copies of final statements relating to section 412, Pub. L. 86-449, as amended, or the annual Military Construction Authorization Bill to the appropriate Congressional Committees of the Senate and of the House of Representatives.

(iv) The Final statement also shall be made available to the public in accordance with DoD Directive 5400.7 Availability to the Public of DoD Information but in each case to all parties who filed substantive comments on the corresponding draft statement.

(f) *Supplementing or amending a draft or final statement.* A DoD component may at any time supplement or amend a draft or final environmental statement. This should be accomplished when substantial changes are made in the proposed action or significant new information becomes available concerning its environmental aspects. The DoD component should consult with CEQ with re-



spect to the possible need for or desirability of recirculation of the statement.

(g) *Information to the public.* (1) CEQ Guidelines require early public notification of the decision to prepare or not prepare an environmental statement for major administrative action. Toward this end, DoD components shall maintain lists of administrative actions as described in § 214.9 and submit applicable reports in accordance with § 214.5(b) for eventual publication in the FEDERAL REGISTER by CEQ.

(2) A publicly available record, briefly setting forth reasons why an environmental statement is not required, will be maintained for a proposed action:

(i) Which the component has identified as normally requiring preparation of a statement;

(ii) Which is similar to actions for which the component has prepared a significant number of statements;

(iii) Which the component has previously announced would be the subject of a statement;

(iv) Which the component has made a negative determination in response to a request from the CEQ (in this case the component will prepare an environmental assessment); or

(v) Which the component has evaluated and concluded that preparation of a statement is not yet timely.

(h) *Waiting period before an action can be taken.* (1) It is important that draft environmental statements be prepared and circulated for comments and furnished to the CEQ early enough in the review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken other than proposals for legislation or reports on legislation) shall be taken sooner than 90 days after a draft environmental statement has been circulated for comment and furnished to the CEQ, and, except where advance public disclosure will result in significantly increased costs of procurement, made available to the public. Neither shall such administrative action be taken sooner than 30 days after the final text of the environmental statement (together with comments) has been made available to the CEQ and the public. The minimum 30-day and 90-day period may run concurrently to the extent that they overlap.

(2) When it is not practical for a DoD component to comply with the time requirements contained in paragraph (g) (1) of this section, the DoD component shall request the Council on Environmental Quality to waive a portion of the time requirement for that specific action.

(3) If it is impossible for a component to comply with the time requirements of paragraph (h) of this section, the DoD Component shall forward the draft environmental statement with an explanation of the facts and circumstances that preclude adherence to the time requirements to ASD (H&E), who shall attempt to resolve the issues involved. The proposed action shall not be initiated until

the time problem has been satisfactorily resolved unless such action is authorized by the Secretary or Deputy Secretary of Defense.

(i) *Classified environmental statements.* The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with the requirements of this part. Environmental statements, both draft and final, shall be prepared, safeguarded, and disseminated in accordance with the usual requirements applicable to classified information DoD Directive 5200.1-R: Information Security Program Regulation. When feasible, these statements shall be organized in such a manner that classified portions can be included as annexes, so that the unclassified portions can be made available to the public.

(j) *Processing environmental statements originated by other Federal agencies.* (1) Environmental statements will be referred to the Department of Defense by other Federal agencies for two reasons:

(i) Where a proposed action may affect matters over which Department of Defense has jurisdiction by law.

(ii) Where a proposed action may have environmental effects in an area where a DoD component has been designated in Appendix II of the CEQ Guidelines as possessing special expertise.

(2) Comments by a DoD component on an environmental statement prepared by another Federal agency should as a minimum address the aspect of the action for which the statement was referred. The comments should be organized in a manner consistent with the structure of the draft statement, stating the recommended changes and reasons for change. Modification to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impact are appropriate. In addition, commenting DoD components should indicate whether any of their projects not identified in the draft statement are sufficiently advanced in planning and related environmentally to the proposed action so that a discussion of the environmental interrelationships should be included in the final statement. Comments should indicate the value of any monitoring of the environmental effects of the proposed project that appear particularly appropriate.

(3) When a request for review and comment on an environmental statement prepared by another Federal agency is received by OASD(H&E), it shall determine which DoD components should review the environmental statement.

(i) When it has been determined that a single DoD component should be responsible for the review, OASD(H&E) shall request that the DoD Component reply directly to the agency involved, and provide one (1) copy of the reply to OASD(H&E).

(ii) When it has been determined that more than one DoD component should review the statement, the OASD(H&E) shall prepare a consolidated review re-

port or designate the DoD component with primary interest to prepare such a report. The OASD(H&E) shall forward the consolidated report to the requesting agency.

(4) When a request for review and comment on an environmental statement from another Federal agency is received directly by a DoD Component, that DoD Component shall reply directly to the requesting agency in accordance with the procedures contained in paragraph (j) (3) of this section. For action involving two or more components, the statement should be forwarded to OASD(H&E) for processing in accordance with paragraph (j) (3) (ii) of this section.

#### § 214.9 Quarterly CEQ reports.

(a) Final Statements, (Inclusive Dates), (1) Subject, Date Filed.

(b) Draft Statements, (1) Subject, Date Filed.

(c) Statements Under Preparation, (1) Subject, Projected Date.

(d) Lists of Actions for which a Statement is Not Required.

(1) Actions which normally require a statement:

(i) Subject, Date of Determination.

(ii) Brief reason for determination.

(2) Actions similar to those for which a significant number of statements have been filed:

(i) Subject, Date of Determination.

(ii) Brief reason for determination.

(3) Actions previously announced as requiring a statement:

(i) Subject, Date of Determination.

(ii) Brief reason for determination.

(4) Actions for which the CEQ requested a statement:

(i) Subject, Date of Determination.

(ii) Brief reason for determination.

(e) List of Actions for which Statements Are Not Yet Timely.

Subject, Date of Evaluation.

Subject, Date of Evaluation.

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ment," May 24, 1965 (32 CFR Part 263).

(j) Executive Office of the President, Office of Management and Budget, Circular No. A-95 (Revised), February 9, 1971 (Parts I and II).

(k) "Directory of State, Metropolitan and Regional Clearinghouses," under OMB Circular No. A-95 (Revised, April 19, 1971).

(l) Pub. L. 86-149, "To Authorize Certain Construction at Military Installations and for Other Purposes," August 10, 1959.

(m) DoD Directive 5200.1-R "Information Security Program Regulation," July 1972, authorized by DoD Directive 5200.1, June 1, 1972 (32 FR 159).

(n) DoD Directive 5230.9, "Clearance of DoD Public Information," December 24, 1966.<sup>1</sup>

(o) DoD Directive 5400.7, "Availability to the Public of DoD Information," June 23, 1967 (32 FR 286).

(p) DoD Directive 7040.4 "Military

Construction Authorization and Appropriations," July 16, 1971.<sup>1</sup>

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

[FR Doc.73-24405 Filed 11-14-73;8:45 am]

<sup>1</sup> Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120, Attention: Code 300.



## CENTRAL INTELLIGENCE AGENCY

[Instruction No. LI 45-18]

## NATIONAL ENVIRONMENTAL POLICY ACT

## Proposed Procedures for Implementation

OCTOBER 30, 1973.

1. *Purpose.* This Logistics Instruction prescribes procedures for implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190), hereinafter referred to as the Act, with regard to the design, construction, alteration, operation, and use of public buildings and sites, and the lease or purchase of commercial facilities to house Agency activities.

2. *Background.* a. Section 102(2)(C) of the Act directs all Federal agencies to identify and develop methods and procedures which will ensure that environmental amenities and values are given appropriate consideration in decision-making, along with economic and technical considerations, and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, "Protection and Enhancement of Environmental Quality," implements the purpose and policy of this Act, and "Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality.

b. The Act does not prohibit projects which are determined to have adverse impact but only insists that the environmental statements address each of these impacts and consider possible alternatives.

3. *Responsible officials.* a. The Director of Logistics has been designated the Responsible Official, referred to in section 102(2)(C) of the Act, who shall:

(1) Determine if proposed Agency actions require environmental impact statements.

(2) Ensure the fullest practicable provision of timely public information relative to Agency plans for actions of the type described in paragraph 1 which will impact on the human environment, and he shall obtain views of interested parties before committing final administrative action.

b. The Chief, Real Estate and Construction Division, will assist the Director of Logistics, as required, including the following:

(1) Provide technical competence for assessment studies of proposed projects and actions.

(2) Develop environmental impact statements when they are deemed necessary.

(3) Maintain a list of actions for which environmental statements are being prepared, revising the list as proposed actions are added or dropped.

(4) Report revision of the list to the Council on Environmental Quality quarterly, along with any negative determinations.

c. Independent Operating Officials shall review proposed projects with the Director of Logistics at the earliest possible stage of the proposal.

4. *Definitions of terms.* In the context of this Instruction, the following terms are defined as stated below:

a. *Determination*—a formal decision by the Director of Logistics that an environmental statement is to be prepared for a proposed action. A negative determination is a decision that preparation of a statement is not merited.

b. *Environmental Impact Statement*—a formal process involving preparation of draft and final statements of environmental impact, circulation of statements to other Federal agencies for review and comment, dissemination of information to the public and holding public hearings, publishing statements in the FEDERAL REGISTER, and submitting statements to the Council, as required by the guidelines.

c. *Environmental Assessment Study*—an organized investigation of potential impact gathered to assist determination decisions. The depth of assessment studies will vary proportionally with the detailed knowledge of the project at the time.

5. *Internal review of proposed agency actions and determinations.* a. For each proposed action or project of a type listed in paragraph 1, an assessment shall be made as early as possible, before a final determination is made, as to the significance of and the controversiality of the action along with its probable environmental impact.

b. If the preliminary assessment indicates a potential for impact in the categories of pollution (air and water), land use, and use of energy resources, further detailed studies shall be conducted to such a point that will allow a clear determination or negative determination to be made. Information required for the assessment shall parallel the contents required in a formal environmental impact statement—see paragraph 6.

c. Projects or actions for which environmental impact statements will normally be made include the following:

(1) Construction of new facilities and the legislative requests for appropriation for new construction.

(2) Acquisition or disposal of real property, by lease, assignment, purchase, or otherwise, the operation of which, by the process involved, adversely affects the environment.

(3) Actions that would force displacement of people or relocation of employees naturally affecting population density. Facility relocations within the Washington metropolitan area shall be examined relative to policies of the National Capital Planning Commission.

(4) Major renovations of existing Agency facilities that alter the basic functions of space in excess of 10,000 gross square feet.

d. *Basis for Determination:*

(1) "Major Federal Actions" shall be construed to include Agency actions viewed against the cumulative impact of related actions by other agencies in the project area. If there is potential that the environment may be significantly affected, a statement is to be prepared.

(2) Agency actions likely to be contro-

versial should be covered by an environmental statement in all cases.

6. *Content of environmental statements.* a. The following points are to be covered in draft and final environmental impact statements:

(1) Describe the proposed action and its purpose.

(2) Describe the existing environment to be affected, supplemented with maps, photos, charts, and other graphic media, commensurate with the extent of the impact and with amount of information required at the particular level of decision-making.

(3) State relationship of proposed action to land use plans, policies, and controls for the affected area.

(4) Describe the probable impact on the environment in both positive and negative aspects. Include primary and secondary consequences which cannot be avoided such as pollution, urban congestion, and threats to environmental goals.

(5) State alternatives to the proposed action and illustrate desirability relative to the recommended course of action proposed. Discuss alternative measures to compensate for losses to wildlife and alternative design approaches that significantly affect consumption of energy or other resources.

(6) Discuss the relationship between local, short-term use and the maintenance and enhancement of long-term productivity of man's environment.

(7) Identify any irreversible and irretrievable commitments of resources should the action be implemented. This requires identification of the extent to which the action would curtail the range of beneficial use of the environment and affect historic features to be preserved.

(8) Indicate other interests and considerations of Federal policy which are thought to offset the proposed action's adverse effects.

(9) Where appropriate, discuss problems and objections raised by other Federal, state, and local agencies and by the public during the review process.

b. Each environmental statement shall be prepared in accordance with the precept of section 102(2)(A) of the Act that all agencies utilize a systematic interdisciplinary approach which will ensure the integrated use of the natural and social sciences in concert with environmental design arts in planning and decisionmaking which may have impact on man's environment.

c. Each draft and final statement shall be accompanied by a summary in the format stipulated in Appendix I of the Council on Environmental Quality guidelines dated, August 1, 1973.

7. *Review of environmental statements by Federal, State, and local agencies and by the public.* a. To meet statutory requirements of making environmental statements available to the President, draft statements and final statements, together with the substance of all comments, shall be sent to the Council on Environmental Quality as soon as they are prepared. Transmit statements to the Council in 10 copies. Simultaneously,



copies being sent to other agencies for review and comment should be issued.

b. The Council will publish weekly in the *FEDERAL REGISTER* lists of statements received for public review. The date of publication of such lists shall be the date from which minimum periods for review and advance availability are calculated.

c. Draft environmental statements should be circulated for review to Federal and state agencies with relevant expertise. Refer to Appendices II, III, and IV of the Council on Environmental Quality guidelines dated, 1 August 1973, for a listing of such agencies.

d. Draft environmental statements should be submitted in all cases to the Environmental Protection Agency for review and written comment.

e. Public review of environmental statements shall be accomplished by making draft statements available to the public free of charge or at no more than actual reproduction cost. Availability of statements shall be publicized in local newspapers and by contacting local government officials. Public notices shall include arrangements for availability of statements.

f. When requesting review and comment from entities external to the Agency, project managers shall establish an appropriate time period based on the complexity of the statement but not less than 45 days from the date of publication of the statement in the *FEDERAL REGISTER*. Requests for extensions of time by reviewing bodies up to 15 days should be honored.

g. Final environmental statements shall be published and circulated to all organizations and individuals that made substantive comments on the draft statement. In all cases, copies shall be sent to the Environmental Protection Agency.

8. *Administrative actions relative to reviews of environmental statements.* a. To the maximum extent possible, execution of actions and projects of the types identified in paragraphs 1 and 5c shall not start sooner than 90 days after a draft statement has been furnished the Council, circulated for comment, and made available to the public.

b. Similarly, execution of proposed actions and projects shall not start sooner than 30 days after a final statement has been made available to the Council, commenting agencies, and the public.

c. The final statement with its appended comments shall accompany the proposal through the existing review processes internal to the Agency prior to execution.

9. *Summary of procedural steps for environmental impact review of proposed actions.* a. Preliminary Agency review process:

(1) RECD/OL review of proposed action for assessment relative to the Act and the necessity for preparation of an environmental impact statement.

(2) Director of Logistics determination to prepare an environmental impact statement.

(3) Publish intent to prepare an environmental impact statement or report

to the Council on Environmental Quality a negative determination in case of an action that normally requires an environmental impact statement.

b. Environmental impact statement process:

(1) Prepare draft environmental impact statement.

(2) Issue draft to the Council on Environmental Quality, commenting agencies, and make available to the public. Publish availability of the draft in the *FEDERAL REGISTER*.

(3) After 45 days minimum, collect comments and revise the draft, as required.

(4) Issue final text of the environmental statement with comments on the draft to the Council on Environmental Quality and commenting parties. Publish availability of the final environmental impact statement in the *FEDERAL REGISTER*.

(5) After 45 days minimum, collect the final comments and conduct an internal Agency review.

c. Final Agency review:

(1) Environmental impact statement, with relevant comments, shall accompany proposal during review.

(2) Modify proposal, as required, to satisfy environmental impact statement reviews.

(3) Authorize project for execution.

FRANCIS J. VAN DAMM,  
Director of Logistics.

[FR Doc. 73-23915 Filed 11-14-73; 8:46 am]

## TENNESSEE VALLEY AUTHORITY ENVIRONMENTAL QUALITY MANAGEMENT

### Policy and Procedures

The Tennessee Valley Authority invites comments and suggestions from interested parties with respect to the following proposed revisions of Code IX, Environmental Quality Management, of TVA's Administrative Code. This code provides intra-agency guidance for compliance by TVA with the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321-4347 (1970)) including guidelines for the preparation of environmental impact statements on proposals for legislation and other major federal actions significantly affecting the quality of the human environment. The present guidelines, dated October 27, 1971, are available from TVA and appear at 36 FR 21014.

Comments should be sent to Dr. Frank Gartrell, Director, Division of Environmental Planning, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

After consideration of the comments and views of interested parties, TVA will make appropriate revisions and will publish the final code in the *FEDERAL REGISTER*. Because this code is for intra-agency use it will not be codified for publication as a section of the Code of Federal Regulations.

The proposed revisions follow:

## PROCEDURES FOR ENVIRONMENTAL PLANNING AND ASSESSMENT

1. Purpose—This code provides guidance for compliance by TVA with the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321-4347 (1970)) including guidelines for preparing environmental statements on proposals for legislation and other major federal actions significantly affecting the quality of the human environment.

2. Definitions—When used in this code the following definitions will apply:

a. Act means the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321-4347 (1970)).

b. Action means new and continuing projects and program activities directly undertaken by TVA, or supported in whole or in part by TVA; deeds, permits, leases, licenses or other entitlements for use, issued, granted or approved by TVA; and the making, modification or establishment of regulations, rules, procedures, and policy.

c. Legislation means legislation significantly affecting the quality of the human environment.

d. Initiating office or division means the office or division which has the primary or lead role in an action.

e. EER means Environmental Evaluation Record.

f. CEQ means the Council on Environmental Quality.

g. Preliminary draft means preliminary draft environmental impact statement.

h. Draft statement means draft environmental impact statement.

i. Final statement means final environmental impact statement.

3. Policy—TVA, to the fullest extent possible, directs its policies, plans, and programs to protect and enhance environmental quality. In carrying out this policy, this code will establish procedures which assure that actions are viewed in a manner to encourage productive and enjoyable harmony between man and his environment by building into the decisionmaking process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed actions in order that adverse environmental effects may be avoided or minimized and environmental quality previously lost may be restored.

4. a. An Environmental Evaluation Record will be prepared for each action listed in sections 6(a) and 6(b). For an action listed in section 6(c), an EER will be prepared if the initiating office or division determines that circumstances require a detailed environmental evaluation. The following format is intended as a guide, not a rigid requirement. In practice, various sections of the EER may be combined or eliminated depending upon the scope and nature of the action. The purpose of the EER is to ensure that adequate environmental consideration is given to each action at each significant stage in the planning process.

b. The EER will be compiled in accordance with the following guidelines:



## I. NEED OR OPPORTUNITY

This section will be completed by the initiating office or division.

This section contains a description of a need or opportunity which has arisen and which is expected to lead to a proposal for an action, as defined in section 2. As part of this section of the EER the initiating office or division will evaluate or identify in a preliminary manner, the consequences resulting from not filling the need or taking advantage of the opportunity. If sufficient information is available the initiating office or division also will identify alternative means to fill the need or take advantage of the opportunity and discuss, in a preliminary manner, the expected consequences of each alternative identified.

The office or division completing this section will forward for comment copies of it to the General Manager, the Division of Environmental Planning, the Division of Law, and other offices and divisions which will be involved in the planning and evaluation process.

## II. PROPOSAL

This section will be completed by the initiating office or division. In the case of uncomplicated actions the proposal section may be brief and completed at one time. In the case of more complicated actions it may be completed in several stages leading to one or more solutions which are to be favored in the planning process.

This section will include, in addition to a discussion of the one or more solutions which are to be favored in the planning process, a discussion of the alternatives identified in section I, any alternatives identified by the commenting office or division, and any further alternatives identified by the initiating office or division. The discussion should include environmental, economic, and any other considerations deemed appropriate by the initiating office or division.

Upon completion of each stage of this section, or in the case of uncomplicated actions upon completion of this section, copies will be forwarded for comment to the offices and divisions which received copies of section I of the EER.

## III. OUTLINE OF ENVIRONMENTAL COMPLIANCE PROCEDURE

A. In cases in which a determination whether or not an environmental statement is needed has not been made, the initiating office or division will prepare and circulate to offices and divisions which received sections I and II an outline showing:

1. A listing and proposed time schedule of each major step in the planning process, including a listing of significant subsidiary decisions to be made prior to determination of whether a draft statement is needed.

2. A list and timing of studies and investigations which are proposed to assess the action. The studies and investigations may be conducted by TVA personnel or by outside parties.

3. A recommended appropriate time

for deciding whether a statement is needed.

B. In cases in which a final determination has been made to prepare an environmental impact statement, including cases in which the determination was made after or during the assessment discussed in subsection A, the initiating office or division will recommend an appropriate time for issuing the draft statement. Those cases involving actions listed in section 6a of these guidelines should contain this recommendation in the original Outline of Environmental Compliance Procedure. In other cases the recommendation should be made and circulated, together with appropriate revisions in the Outline when and if it is determined that a statement is needed.

In making this recommendation the initiating office or division should estimate the time needed to prepare a draft statement, keeping in mind the need to acquire information sufficient for purposes of a draft statement and to complete the environmental review on a schedule that will allow timely consideration of environmental matters in the decisionmaking process.

C. (1) During or after completion of section II of the EER the initiating office or division may conclude that the time is ripe to decide whether or not the action is a major federal action significantly affecting the quality of the human environment. In all other cases the decision will be made during or after the studies and investigation discussed in section III(A) of the EER. At such time the initiating office or division will make and forward to the Division of Environmental Planning, with copies to the Division of Law and the Office of the General Manager, a preliminary determination as to whether the action is a major federal action significantly affecting the quality of the human environment.

The preliminary determination should include:

- (a) In all cases in which the initiating office or division believes on the basis of preliminary information that an environmental statement is required, a brief discussion of the basis for the determination.

- (b) In cases in which the initiating office or division believes during or after completion of section II of the EER that an environmental statement is not required, appropriate references to sections I and II of the EER together with a discussion of the basis for the determination.

- (c) In cases in which studies or investigations have been undertaken pursuant to section III(A), in addition to the information required by paragraph (2), a discussion of the results of the studies and investigations.

- (2) If the Division of Environmental Planning, after consultation with the Division of Law, concurs with the preliminary determination, the determination is a final determination. If the Division of Environmental Planning does not concur or if it advises that the determination should await a later stage in the

preparation of the EER, the initiating office or division may refer the matter to the Office of the General Manager, which will decide either whether an environmental statement is required or that the determination should await a later stage in the preparation of the EER. In appropriate cases the Director, Division of Environmental Planning, may refer the preliminary determination directly to the General Manager, with or without a recommendation. The General Manager will consider such a referral and, after consultation with the Division of Law and other appropriate offices and divisions, will decide whether an environmental statement is needed or if additional study of the matter is required.

D. Each office or division which receives a copy of section III of the EER will:

- (1) Review the Outline and suggest to the initiating office or division revisions or additions which appear appropriate to assure the thorough and expeditious environmental evaluation of the action.

- (2) Prepare and submit to the initiating office or division a firm schedule for completion of studies or investigations which the receiving office is required to undertake by the Outline.

E. The Division of Environmental Planning, in consultation with the initiating office or division, and the other interested offices or divisions, will resolve conflicts as to timing and priorities which develop during preparation of the Outline of Environmental Compliance Procedure for various actions undertaken by TVA.

F. In appropriate cases, offices and divisions may consult with non-TVA groups about any relevant aspect of an action. This will usually be done through normal working relationships which have been established with non-TVA governmental and nongovernmental groups.

G. In accordance with guidelines issued by the Council on Environmental Quality (40 CFR 1500.6b) supplemental instructions for the preparation of the EER will be prepared and issued for certain specific types of actions and will identify:

- (1) What basic information needs to be gathered.

- (2) How and when such information is to be assembled and analyzed.

- (3) On what basis environmental assessments and decisions to prepare impact statements will be made.

## PUBLICATION OF ENVIRONMENTAL IMPACT STATEMENT DETERMINATIONS

A. The Division of Environmental Planning shall:

- (1) On or before the effective date of this code, prepare a list of environmental statements under preparation and forward it to CEQ.

- (2) On or before the first business day of each subsequent calendar quarter, prepare a revision of such list and send such revisions to CEQ.



(3) Forward the list and revisions provided for section 5a (1) and (2) to the Information Office where they will be available for public inspection.

(4) When decisions are made to prepare an environmental statement consult with the Office of the General Manager and the Information Office to determine if additional publicity is needed of that decision.

B. The Division of Environmental Planning will prepare a publicly available record setting forth TVA's reasons for not preparing an environmental impact statement whenever a decision is made that such a statement is not necessary for a proposed action which:

(1) is included in Section 6 as one normally requiring an environmental impact statement,

(2) is similar to actions for which TVA has previously prepared a significant number of statements,

(3) TVA has previously announced would be the subject of a statement,

(4) TVA has made a negative determination in response to a request from CEQ pursuant to 40 CFR section 1500.11 (f).

C. The Division of Environmental Planning shall maintain and distribute lists of the negative determinations made in accordance with the provisions of section 5b in the same manner as it does for the lists provided for in section 5a.

#### DETERMINATION OF APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT SECTION 102(2) (C).

A. The following actions normally will require an environmental impact statement:

(1) Large water resource development and water control projects.

(2) New power generating facilities.

(3) Major transmission system additions, 500 kV and above.

(4) Any major action, the environmental impact of which is expected to be highly controversial.

(5) System-wide vector control and watermill control programs.

B. The following actions may or may not require an environmental impact statement, depending upon the circumstances: (Subclasses of some of these actions are set out in 6c as normally not requiring environmental impact statements.)

(1) Research and development.

(2) Other TVA actions not listed in 6a or 6c. (These actions will be studied, classified and assigned to 6a, 6b, or 6c during the process of developing supplemental instructions pursuant to section 4g.)

(3) Actions listed in 6b may involve classes of action which contain subclasses of a routine or recurrent nature. Where such subclasses can be identified, and all or most of the activities within a particular subclass have substantially similar impacts, an environmental assessment of the subclass may be undertaken. If the assessment results in a finding that the actions within a subclass normally do not require an environmental impact statement, then subsequent actions in

that subclass shall be treated as if they were listed in section 6c of these guidelines.

C. The following actions normally do not require environmental impact statements:

(1) Procurement contracts.

(2) Personnel actions.

(3) Contracts for the sale, purchase, or interchange of electricity.

(4) Accounting, auditing, financial reporting and disbursement of funds under delegation to the Division of Finance.

(5) Activities of TVA's Equal Employment staff.

#### PREPARATION OF PRELIMINARY DRAFT ENVIRONMENTAL STATEMENTS

A. The initiating office or division prepares a preliminary draft which will include appropriate information from the EER.

B. During the preparation of the preliminary draft the initiating office or division requests from other offices and divisions comments relating to the environmental impacts of the action as they relate to the expertise and program interests of the respective offices and divisions. Offices and divisions send their comments to the initiating office or division with a copy to the Division of Environmental Planning.

C. At appropriate stages of preparation of the preliminary draft the initiating office or division reviews the proposal with the Division of Environmental Planning. This review, which can be initiated by either the initiating office or division or the Division of Environmental Planning, includes a review of the comments received and the alternatives evaluated.

D. The Division of Environmental Planning advises the initiating office or division of changes which it deems environmentally desirable and assists in further evaluation of the action.

E. In all cases, the preliminary drafts are prepared in sufficient time to meet the requirements of CEQ guidelines, this code and other applicable requirements. Normal time schedules may be modified as provided in 40 CFR 1500.11(e).

#### CONTENTS OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS

In developing draft statements efforts should be made to convey the required information succinctly in a form easily understood, both by members of the public and by public decisionmakers, giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement. Each of the points described below, 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— which items should normally be the focus of the statement. The scope and detail of the draft statement should be reasonably related to the scope and impact of the action involved.

Draft statements prepared after the effective date of this instruction will include:

A. A summary sheet.

B. A description of the proposed action, a statement of its purposes, 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 agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references. The statement should also succinctly describe the environment of the area affected as it exists prior to a proposed action, including other federal activities in the area affected by the proposed action which are related to the proposed action. The interrelationships and cumulative environmental impacts of the proposed action and other related federal projects shall be presented in the statement. 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 decisionmaking (planning, feasibility, design, etc.). In order to ensure accurate descriptions and environmental assessments, site visits should be made where feasible. It should also take care to 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. It is essential that the sources of data used to identify, quantify, or evaluate any and all environmental consequences be expressly noted.

C. The relationship of the proposed action to land use plans, policies, and controls for the affected area. This requires a discussion of 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 area affected including those developed in response to the Clean Air Act or the Federal Water Pollution Control Act Amendments of 1972. Where a conflict or inconsistency exists, the statement should describe the extent to which the proposed action has been reconciled with the plan, policy or control, and the reasons for deciding to proceed notwithstanding the absence of full reconciliation.

D. The probable impact of the proposed action on the environment.

(1) This requires assessment of the positive and negative effects of the proposed action as it affects the environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Primary attention should be given in the statement to discussing those factors most directly impacted by the proposed action.



(2) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the analysis. Many major actions, in particular those that involve the construction or licensing of infrastructure investments (e.g., highways, sewer systems, water resource projects, etc.), stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, through their impacts on existing community facilities and activities, through inducing new facilities and activities, or through changes in natural conditions, may often be 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 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.

E. Alternatives to the proposed action, including where relevant, those not within the existing authority of TVA. (Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of 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, is 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 taking no 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 (e.g., nonstructural alternatives to flood control programs); alternatives related to different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds vs. cooling towers for a power plant or alternatives that will significantly conserve energy); alternative measures to provide for compensation of fish and wildlife losses, including the acquisition of land, waters, and interests therein. In each case, the analysis should be sufficiently detailed to reveal the agency's 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 that such treatment is current and relevant to the precise purpose of the proposed action.

F. Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101 (b) of the Act). This should be a brief section summarizing in one place those effects discussed in paragraph (d) of this section that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects discussed in paragraph (c) of this section will be mitigated.

G. 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 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 time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

H. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires the agency to identify from its survey of unavoidable impacts in paragraph (f) of this section the extent to which the action irreversibly curtails the range of potential uses of the environment. Construction of the term "resources" to mean only the labor and materials devoted to an action should be avoided. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

I. 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 paragraphs (d) and (f) of this section. 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 paragraph (e) of this section) that would avoid some or all of the adverse environmental effects. In this connection, when a cost-benefit analysis of a proposed action is prepared, it, or summaries thereof, should be attached to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses, and the reasons therefor.

#### REVIEW OF PRELIMINARY DRAFT

A. The Preliminary draft is reviewed by the Division of Environmental Planning, the Division of Law, and other offices and divisions included in circulation of the EER.

B. The initiating office or division, with the advice and assistance of the Division of Environmental Planning, reviews all comments received, modifies the preliminary draft as appropriate, and submits it to the Division of Environmental Planning.

C. The Division of Environmental Planning approves the preliminary draft and transmits it to the General Manager. Accompanying the preliminary draft when it is sent to the General Manager are recommendations, made in consultation with the initiating office or division, the Division of Law, the Division of Navigation Development and Regional Studies regarding formal consultation and review with Federal, state, regional and local governmental agencies and regarding the holding of public hearings.

D. After review, the General Manager approves or rejects the preliminary draft. If he rejects it, he returns it to the Division of Environmental Planning with instructions for corrective action. The Division of Environmental Planning is then responsible for seeing that the instructions are carried out and that a revised preliminary draft is transmitted to the General Manager for his further review. If the General Manager approves the preliminary draft, it becomes the draft statement and is circulated for external review in accordance with Section 10.

#### EXTERNAL REVIEW OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

A. The General Manager transmits the draft statement to the Council on Environmental Quality. To the maximum extent practicable, no action will commence until 90 days after CEQ publishes in the FEDERAL REGISTER notice of availability of a draft statement.

B. The Division of Environmental Planning, by requesting comments on the draft statement, consults with federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved.

C. The Division of Navigation Development and Regional Studies requests review by state and local agencies authorized to develop and enforce relevant environmental standards.

D. All action described in items 11a, b, and c will be undertaken in accordance with the CEQ guidelines, procedures established pursuant to the Office of Management and Budget Circular A-95 (revised) and Bulletin 72-6, as hereafter amended or supplemented, and special requests of agencies relating to review by their regional, district or local offices.

E. The Division of Environmental Planning, in consultation with the initiating office or division, establishes the time limits for the receipt of comments. Except in emergency situations, the minimum review period will be 45 days after CEQ publishes in the FEDERAL REGISTER notice of availability of a draft statement. Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum period



for review and advance availability of environmental statements, the initiating office or division will consult with the Division of Law with a view to adopting alternative arrangements.

F. When required and as prescribed by section 309 of the Clean Air Act and 40 CFR 1500.9(b), the draft statement is transmitted to the Environmental Protection Agency for review. In any case in which review is required under section 309 of the Clean Air Act but for which no statement is being prepared, the Division of Environmental Planning will obtain the necessary review as soon as practicable, but in all cases well enough in advance of submission of the proposed action for authorization to allow 45 days for review by the Environmental Protection Agency. The Division of Environmental Planning forwards copies of comments to offices and divisions having pertinent responsibility or expertise.

G. At the same time the draft statement is circulated for comment and furnished to the Council on Environmental Quality, it is also made available to the public through the Information Office, except where advance public disclosure within the meaning of 40 CFR 1500.11(b) would result in significantly increased costs to the Government.

H. With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public 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 Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

I. Environmental impact statement material is provided to all parties free of charge unless because of the quantity of the materials or the volume of the demand for them, costs of free distribution is unreasonable. Where the costs of free distribution appear unreasonable, the Information Office, after consultation with appropriate offices and divisions, will establish a fee for such materials which does not exceed the actual cost of their reproduction.

#### PUBLIC HEARINGS

A. After considering the factors listed in 11d, the Division of Environmental Planning will advise the General Manager on the appropriateness of holding a public hearing on an action involving an environmental statement.

B. Based upon the advice received, and any other factors he considers relevant, the General Manager will decide if a public hearing is to be held.

C. If the General Manager decides that a public hearing is not appropriate, then,

after the draft statement has been issued, the initiating office or division, the Division of Environmental Planning, or the Division of Law may ask the General Manager to reconsider his decision if the volume and character of responses to the draft statement indicate that reconsideration is appropriate.

D. In deciding if a public hearing is appropriate, consideration will be given to:

(1) 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.

(2) 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.

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to TVA in fulfilling its responsibilities under the Act.

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizens, and written comments on the proposed action.

E. No hearing in aid of preparation of a final statement will be held prior to 15 days after the draft statement concerning the action being considered has been made available to the public.

F. The Division of Law schedules and conducts public hearings held by TVA.

G. The Division of Law obtains a transcript hearing and forwards it, along with a summary of points raised, when it believes such a summary would be helpful, to the Division of Environmental Planning and the initiating office or division.

H. The Information Office disseminates to the public, information concerning public hearings.

I. The Division of Environmental Planning requests from other appropriate offices and divisions their review of comments made at the public hearing related to points not previously raised.

J. The Division of Law handles or coordinates the presentation by TVA at any hearing held by another agency.

#### EVALUATION OF COMMENTS AND PREPARATION OF FINAL STATEMENT

A. The Division of Environmental Planning receives comments from reviewing Federal agencies and the general public, and the Division of Navigation Development and Regional Studies receives comments from reviewing State, regional, and local agencies and forwards them to the Division of Environmental Planning.

B. The Division of Environmental Planning disseminates comments to interested offices and divisions and those having special expertise in the areas covered by the review comments. Where necessary, the Division of Environmental Planning may request that the initiating office or division handle this dissemination.

C. Reviewing offices and divisions prepare responses and furnish them to the

Division of Environmental Planning with copies to the initiating division.

D. Where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to TVA's attention through the commenting process, TVA will review the environmental effects of the action in light of those views and will make a meaningful reference in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement, indicating TVA's response to the issues raised.

E. Following completion of evaluation of comments, the Division of Environmental Planning prepares a draft of the final statement or requests another office or division to do so. The final statement consists of either a new statement or the draft statement together with separate indication of any corrections or changes therein deemed to be desirable. It includes the text of the comments received in the Federal, State, and local review process; the text or a summary of all substantive comments from private organizations and individuals whether or not they merit individual discussion in the text of the statement; and a discussion of the comments. A copy of the draft statement may be appended to the final statement.

F. The draft of the final statement is reviewed by the initiating office or division and the offices and divisions which reviewed previous drafts, as well as other appropriate offices and divisions. Each reviewing office and division forwards any comments it has to the Division of Environmental Planning and to the initiating office or division. In consultation with the initiating office or division, the Division of Environmental Planning makes revisions in the statement which it deems desirable.

G. The Division of Environmental Planning obtains approval of the proposed final environmental statement from the Division of Law and transmits the statement to the General Manager along with the comments of reviewing offices and divisions concerning any unresolved internal comments.

#### REVIEW AND BALANCING; AUTHORIZATION

A. The General Manager conducts an independent review and balancing of environmental and nonenvironmental considerations (including unquantified as well as quantified environmental amenities and values along with economic and technical considerations) involved in all proposed actions for which a proposed final environmental statement has been prepared.

B. Following such review and balancing, the General Manager may approve, modify, or disapprove the final statement. Where he disapproves a statement, he may return it for revision and may also direct the suspension of further planning work on an action pending preparation of a revised statement.

C. In all cases in which under the TVA Code the proposed action is one which will require Board approval, the General



Manager forwards to the Board a report concerning his or the Assistant General Manager's review and balancing and conclusions concerning the proposed action, and a copy of the final environmental statement if he has approved one.

D. In all cases in which the proposed action is one which under the TVA Code can be approved by the General Manager without Board approval, the General Manager employs results of the foregoing review and balancing as part of his consideration of the request for authorization.

E. In all cases in which the proposed action is one which under the TVA Code could otherwise be approved by an office or division, the General Manager's approval is required prior to the authorization if the action is one for which a proposed final environmental statement has been prepared.

F. The General Manager consults with the Board as he deems appropriate on proposed actions which do not require Board approval.

#### DISTRIBUTION OF FINAL ENVIRONMENTAL IMPACT STATEMENTS

A. The General Manager submits the final statement to the Council on Environmental Quality.

B. Copies of the final statement are forwarded by the Division of Environmental Planning to the Division of Navigation Development and Regional Studies, which makes them available to appropriate state, regional, and metropolitan clearinghouses, and to the Information Office, which makes them available to the public.

C. The Division of Environmental Planning also sends the final statement to the Environmental Protection Agency, to all federal agencies who made substantive comments, and if practicable, to private organizations who made substantive comments and individuals who requested a copy of the final statement. Where the number of comments on a draft statement, or the requests for final statements is such that distribution of the final statement to private entities and individuals appears impracticable, the Division of Environmental Planning shall initiate consultations with CEQ con-

cerning alternate arrangements for distribution of the statement.

D. The Division of Environmental Planning maintains a file of all environmental statements.

#### COMMENCEMENT OF AN ACTION

An administrative action subject to section 102(2)(C) of the Act shall not commence until 30 days after the final statement has been made available to CEQ and to Federal and State agencies and the public as provided in Section 15 of this code, or 90 days after availability of the draft statement has been published in the FEDERAL REGISTER, whichever is later, except for emergency actions undertaken in accordance with Section 11e of this code.

#### REVIEW OF STATEMENTS PREPARED BY OTHER AGENCIES

A. The Division of Environmental Planning reviews, in consultation with other interested TVA offices and divisions, environmental statements submitted to TVA by other federal agencies and prepares a response, which after review by the Division of Law and the Office of the General Manager is forwarded to the initiating agency, with an additional five copies being sent to CEQ.

B. Where another Federal agency is preparing a statement in connection with a TVA action, the procedures outlined in this instruction may be utilized to such extent and with such modifications as the General Manager deems appropriate.

#### REVIEW OF EXISTING PROJECTS AND PROGRAMS

To the maximum extent deemed by the General Manager to be practicable, the procedure described above should be applied to actions having a significant impact on the environment even though such actions arise from policies, projects, programs, or classes of action which were initiated prior to January 1, 1970.

#### MODIFICATIONS OF THESE PROCEDURES

A. The assignments to offices and divisions in these procedures may be modified by agreement of the offices or divisions involved, or by special instructions from the General Manager.

B. The procedures also may be modified by the Division of Environmental Plan-

ning, with the concurrence of the General Manager and the concurrence of the Division of Law as to legal propriety, where the action involves TVA policies, where it involves changes necessary or desirable to conform with the policies, procedures, or preferences of another agency also involved in the proposed action, as in the case of a proposed nuclear power plant project, where it involves actions planned or in progress prior to July 1, 1971, or where modification is necessary or desirable because of a change in the CEQ guidelines or other similar regulations.

#### SUBSTANTIAL COMPLIANCE

Because of unforeseen situations or emergencies, or through inadvertence, or for other reasons, some of the steps outlined in procedures may be consolidated, modified, or omitted by offices or divisions. The Division of Law shall be promptly asked to approve any such consolidation, modification, or omission, and may do so if such change would conform to legal requirements and substantially comply with the intent of this code. The Division of Law shall consult with CEQ as it deems appropriate before approving any such changes.

#### APPLICATION OF THESE PROCEDURES TO ACTIONS IN PROGRESS

These procedures apply to the fullest extent practicable to further work in connection with actions in progress as of the effective date of these procedures.

#### EFFECTIVE DATE

This code shall become effective 19\_\_\_\_\_.

This proposed code is issued for publication in the FEDERAL REGISTER in compliance with a request of the Council on Environmental Quality appearing at 38 FR 20550.

It is intended that a final version of this code will be published in the FEDERAL REGISTER in sufficient time to enable it to be fully effective on January 28, 1974.

Dated at Knoxville this 9th day of November 1973, for the Tennessee Valley Authority.

LYNN SEEGER,  
General Manager.

[FR Doc.73-24424 Filed 11-14-73; 8:45 am]