business, the military procurement authorization bill.

Several amendments are at the desk. They have been printed, and can be called up for action. The leadership expresses the hope that Senators will be prepared to call up amendments on Monday, and that progress can continue on the bill.

There will definitely be amendments called up on Tuesday, Wednesday, Thursday, and Friday, and possibly Saturday, the leadership having indicated upon several previous occasions that Senators may anticipate Saturday sessions when necessary in order to facilitate progress on this bill and on the remaining program which is to be enacted before adjournment sine die.

Senators can anticipate rollcall votes, certainly, on Tuesday, Wednesday, Thursday, and the rest of the week.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 47 minutes p.m.) the Senate adjourned until Monday, September 27, 1971, at 12 noon.

EXTENSIONS OF REMARKS

AMBASSADOR GEORGE BUSH IS MAKING FINE START AT U.N.

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DULSKI. Mr. Speaker, I am delighted with the selection of our former distinguished colleague George Bush, of Texas, as U.S. Ambassador to the United Nations.

He was an excellent legislator whom I personally came to know and respect very much during his service in the House.

His new role in the field of international diplomacy is one of great responsibility as our Nation's voice in this world forum. I am confident he is going to prove a great credit to his country as well as to himself.

As part of his remarks, I include an excellent Associated Press article from the Buffalo Courier-Express of September 19.

The article follows:

NEW U.S. DELEGATE TO U.N. HAS LONG WORK DAY

(By William L. Ryan)

UNITED NATIONS.—The way he tackles diplomacy, Ambassador George Bush doesn't really have to be an athlete in top condition. But it helps.

The former Navy flier, who will pilot U.S. policy through the U.N. session starting this week, finds that a 16-hour working day has become more rule than exception.

Evidently he thrives on it. His enthusiasm for the job seems to have infected his entire staff at the 12-story U.S. mission building across the street from the U.N. complex.

The session opening Tuesday will, among other things, consider the complex question of China's representation. In his first General Assembly appearance as ambassador, Bush has a tough assignment: to champion President Nixon's "two-Chinas" policy, which both Red China and the Nationalists on Taiwan reject.

NO LACK OF EFFORT

How will it work out? Ambassador Bush says that if the two-Chinas policy does not succeed, it will not be for lack of trying on his part.

"Some people are saying the United States isn't really trying very hard to keep Taiwan in, but if that's so, nobody's told me about it," he says.

Bush's remarks to an interviewer suggested two outstanding traits: loyalty and irrepressible optimism. He is loyal—some say to a fault—to President Nixon and frequently quotes him in conversation. And his personality is such that pessimism for Bush would seem next to impossible.

George Herbert Walker Bush is a self-made Texas oil millionaire. He had been transplanted to Texas, however, from New England, and he combines shrewd Yankee humor with Texas affability.

ANSWER TO LINDSAY?

As a Republican congressman from Texas, Bush once was considered a strong possibility for the 1972 vice presidential nomination. Despite loss of a 1970 U.S. Senate race, he still looks to some Republicans like a prospective answer to the Democrats' acquisition of New York's mayor, John Lindsay.

At 47 he's handsome and has the engaging manner of a natural-born vote-getter.

"I sure wish he was a Democrat," a Democratic leader was once heard to murmur wistfully.

President Nixon noted the potential in a bantering way last February when Bush was sworn in as ambassador. Nixon recalled how President William McKinley had lost an Ohio race and gone on to become president, "but I'm not suggesting what office you should seek and at what time."

HE'S NOT "POLITICAL" NOW

What about political aspirations as of now? Bush grinned.

"In this job I am not a political person. I can't be. You can't indulge in political partisanship in this job. If you asked me could I conjure up a set of facts involved in the elective political process, I would have to admit that yes, I am still a political animal and keep my interest in elective politics. But there's no time here to think of such things.

"As a Cabinet member, of course I keep up with domestic affairs and would be prepared to discuss domestic and international issues. But I am a strong believer in the policies President Nixon is embarked on now in the United Nations, and he is entitled to total advocacy here."

Bush approaches his job from the standpoint that his first duty is to his own country.

"If I became an international civil servant, that would be wrong. What is going to make the United Nations stronger is its function as a melting pot for different viewpoints. The United States should be strongly represented and we should try to bring out what's good about our country, be prepared to stand up in behalf of our country whenever necessary."

EAGER SALESMAN FOR U.N.

At the same time he is an eager salesman for the U.N. ideal. He wants to stimulate interest in it around the world, possibly by means of a U.N. session once in a while in another country.

"For example, let's see what happens if a U.N. session is held in a Communist bloc country. Why not let others see what the problems are, what it means? It could revitalize the whole organization. The costs would be high, but if the Olympic games, for instance, can be taken to Tokyo, why not the United Nations to another country?"

Approaching his first assembly session, Bush seems assured of enthusiastic support from his staff, who seem, by the large, to have become avid admirers of their new boss.

One staff member, obviously a Bush fan, thinks he may be even too outgoing.

"Sometimes," the staff member muttered, "the ambassador is too honest for his own good. Even his enemies would say that. They might disagree with him, but they still respect him."

CUSTOMS BROKERS AND FOREIGN FREIGHT FORWARDERS: SMALL BUSINESSMEN WHO EXPEDITE INTERNATIONAL TRADE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. WOLFF. Mr Speaker, it is with pleasure that I draw to the attention of my colleagues and others, inside and outside the Government who are concerned with various aspects of international trade, an article entitled "From Limousines to Casaba Melons" that appeared in the August issue of Nation's Business.

The subject of this interesting account in the magazine published by the Chamber of Commerce of the United States is the professional and expert service performed by small businessmen in this country known as customs brokers and foreign freight forwarders. Their years of training, experience and expertise in the highly technical area of arranging the movement and clearance of goods into and out of this Nation's port and air terminals have earned for them the fitting sobriquet of international traffic managers for U.S. importers and exporters.

Customs brokers and forwarders have employed their unique talents to reduce the complexities of international commerce for their export-import clients over the past 130 years. Their vital aid in contributing to Federal revenues and saving the Customs Bureau countless dollars of expense has gained them quasi-governmental status. An estimated 3,000 licensees today operate in this area, customs brokers being licensed by the Treasury Department and foreign freight forwarders by the Federal Maritime Commission, with many firms combining both functions.

While not well known to the general public, they are familiar to and respected

by the Government officials of the Customs Bureau of the Treasury Department, the Federal Maritime Commission, and at least a dozen other Federal agencies with whom they are in contact on behalf of their clients. For their importer customers, customs brokers perform a myriad of indispensable tasks, including selecting customs classifications as to rates of duty for each product imported, calculating duties and evaluating the way in which Customs appraises merchandise, handling bonding requirements, arranging for storage, negotiating marine insurance, arranging for inspection services, and handling inland transportation distribution. For exporters, foreign freight forwarders arrange ocean and air transport, negotiate U.S. Government export licenses, advise clients on worldwide customs requirements, prepare consular invoices, assist clients in buying and selling foreign exchange, prepare drafts and documents, and arrange export packing.

In total, as the Nation's Business article states:

Eighty to 90 percent of U.S. imports and exports pass through their hands. . . . Without them the Customs Bureau would have to provide an enormous amount of technical guidance and consultation to importers and exporters.

These small business entrepreneurs, many of whom, I am proud to say, are from my district, are equally well known to a number of congressional committees which have called upon them for testimony and counsel in attempting to solve some of the recent challenges which have beset them. In recent months, for example, Leonard M. Shayne, president of the National Customs Brokers & Forwarders Association of America—NCBFAA—the only nationwide organization representing the industry, has testified on the mounting problem of cargo pilferage at the Nation's ports and air terminals, as well as on prohibiting bank holding company inroads into such normally nonbanking activities as customs brokerage.

Founded in 1897, the NCBFAA is both a membership organization and an association of associations. U.S. firms engaged in customs brokerage and foreign freight forwarding are regular members, while individuals and firms operating overseas are associate members. In addition, 17 local and regional associations across the country are affiliated with the NCBFAA.

In an era when commerce and industry are undergoing increasing consolidation into large-scale enterprises, the survival of small businesses is dependent to an ever greater degree on their ability to provide highly personalized service by people who are truly expert in their fields. Nowhere is this more true than in the specialized area of customs brokerage and foreign freight forwarding, with all of the firms being small ones which typically employ between half a dozen and 50 persons. Because of the intensifying challenges facing this industry, it is well that we should know more about them and the important work its members perform.

For this reason, I include the following article from Nation's Business which provides an informative insight into the invaluable and special character of this country's customs brokerage and foreign freight forwarding industry, at this point in the RECORD.

The article, interestingly written by Morris Victor Rosenbloom follows:

[From Nation's Business, Aug. 1971]

FROM LIMOUSINES TO CASABA MELONS

Suppose you are a customs broker and foreign freight forwarder.

Suddenly, one cold mid-December day, you get word that 10 crates of casaba melons from a Spanish shipper have hit the pier with no advance notice. Then a letter arrives from Spain. It says, in effect: "Please keep one crate for yourself as a Christmas gift. One is for the President of the United States and the others for the following list of my customers. Bill me all costs."

What would you do?

The succulent Spanish winter melons are not only perishable in the freezing weather but subject to regulations of the Agriculture Department's divisions of quarantine and entomology—and Customs Bureau red tape. And time, of course, is short.

This is no hypothetical case.

The customs broker involved drew on his long experience in dealing with government agencies. He cleared the White House gift and the State Department took over delivery. He paid all duties and inland freight on the crate to Washington as well as on the eight crates to the lucky customers all over the country, arranging for special care to assure unfrozen arrival by Christmas.

Finally, he picked up his own crate, anticipating an unusually tasty treat for his Christmas guests. He found only one melon buried in the excelsior. The rest had been pilfered on the pier.

Telling the story now, he relates ruefully that the Spanish shipper never did reimburse him for his costs, although they had done business for several years.

"That beautiful casaba winter melon," he says, "was sweet, but for me it was bittersweet—especially when I figured out that it cost me $59 a slice for my family and guests for Christmas dinner."

QUASI-GOVERNMENTAL

Red tape, collection losses and pilferage are not the only problems faced by customs brokers, whose field is imports, and foreign freight forwarders, who handle exports. (Many firms perform both functions.)

Eighty to 90 per cent of U.S. imports and exports pass through their hands. Their expertise releases importers' and exporters' staffs for their major role of merchandising.

Customs brokers and freight forwarders enjoy a quasi-governmental status. Without them, the Customs Bureau would have to provide an enormous amount of technical guidance and consultation to importers and exporters.

Congress, recognizing their vital contributions, has long required the Treasury to license customs brokers and the Maritime Commission to license foreign freight forwarders. Some 3,000 licensees have met the rigorous federal requirements.

Customs brokers help importers select customs classifications as to rates of duty for each product imported. They calculate duties and evaluate the way in which Customs appraises merchandise. They handle bonding requirements, arrange for storage, negotiate marine insurance, arrange for inspection services, and handle inland distribution.

Foreign freight forwarders arrange ocean and air transport, negotiate U.S. government export licenses, advise clients on world-wide customs requirements, prepare consular invoices, assist clients in buying and selling foreign exchange, prepare drafts and documents and arrange export packing.

In short, the brokers and forwarders serve as international traffic managers for U.S. importers and exporters.

COLD WAR COUP

They must be able to deal satisfactorily with foreigners in all sorts of situations.

For example, several years ago Soviet Foreign Minister Andrei Gromyko was about to return home from an appearance at the United Nations.

Shortly before he left, he wandered into a New York showroom and was overcome with an irresistible yen for the fanciest of new cars—a most expensive limousine, equipped with every luxury from a built-in bar to television.

Naturally the dealer was delighted, and promised shipment within the week, shortly after the diplomat's departure by plane. He called his foreign freight forwarder to arrange the details.

Then, consternation! The Commerce Department ruled that the limousine did not meet government requirements for an export license. License denied.

But years of learning how to snip red tape paid off. After hours of working through State Department channels, the forwarder reached the right official on export policy to the communist bloc.

He put it something like this: "Doesn't the State Department realize what a publicity windfall it has here? Imagine what the press will do with it—a $20,000 automobile for a peoples' commissar to ride down the streets before his ragged countrymen."

The State Department saw the point, the export license came through and the beautiful capitalist toy went on its way.

The story went around the world. Of course, it drew a rebuttal from the communist official. The car was to be used by visiting American dignitaries, he claimed.

But the car dealer and the forwarder knew the true story, and the image of the communist servant of the people grasping for royal splendor was on the record.

ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DINGELL. Mr. Speaker, so that my colleagues may be aware of the information contained therein, I insert the text of the September 1971 issue of the Council on Environmental Quality's "102 Monitor" at this point in the CONGRESSIONAL RECORD:

[From 102 Monitor, vol. 1, No. 8, September 1971]

THE CALVERT CLIFFS DECISION

FIRST FEDERAL APPELLATE DECISION ON SECTION 102 OF NEPA

AEC issues revised NEPA procedures

There is reproduced below the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Calvert Cliffs Coordinating Committee v. AEC* (Nos. 24839 and 24871, July 23, 1971). This is the first decision of a Federal appellate court construing Section 102 of the National Environmental Policy Act. Although it applies specifically to the Atomic Energy Commission, it has broad implications for the environmental impact analysis of all Federal Government actions subject to NEPA. The AEC has announced that it will not seek reconsideration of the *Calvert Cliffs* decision by the Court of Appeals and that it will recommend to the Justice Department that the Government not seek Supreme Court review. In response to the *Calvert Cliffs* decision the AEC has issued revised NEPA procedures which are reproduced following the opinion.

Mr. Anthony Z. Roisman, with whom

Messrs. Myron M. Cherry and *Lewis Drain* were on brief, for petitioners.

Mr. Marcus A. Rowden, Solicitor, Atomic Energy Commission, with whom *Messrs Howard K. Shapar,* Assistant General Counsel, Licensing and Regulation, Atomic Energy Commission, and *Edmund Clark,* Attorney, Department of Justice, were on the brief, for respondents. *Mr. William C. Parler,* Attorney, Atomic Energy Commission, also entered an appearance for respondent Atomic Energy Commission.

Mr. George F. Trowbridge, with whom *Mr. Jay E. Silberg* was on the brief, for intervenor in No. 24,839.

Messrs. George D. Gibson and *Arnold H. Quint* filed a brief on behalf of Duke Power Company *et al.* as *amici curiae* in No. 24, 871.

Mr. Roy B. Snapp filed a brief on behalf of Arkansas Power and Light Company as *amicus curiae* in No. 24,871.

Messrs. Arvin E. Upton, Leonard M. Trosten and *Henry V. Nickel* filed a brief on behalf of Consolidated Edison Company as *amicus curiae* in No. 24,871.

Mr. Jerome E. Sharfman filed a brief on behalf of Consumers Power Company as *amicus curiae* in No. 24,871.

Messrs. H. Edward Dunkelberger, Jr., Christopher M. Little and *Peter M. Phillipes* filed a brief on behalf of Indiana and Michigan Electric Company and Portland General Electric Company as *amici curiae* in No. 24,871.

Before WRIGHT, TAMM and ROBINSON, *Circuit Judges.*

WRIGHT, *Circuit Judge:* These cases are only the beginning of what promises to become a flood of new litigation—litigation seeking judicial assistance in protecting our natural environment. Several recently enacted statutes attest to the commitment of the Government to control, at long last, the destructive engine of material "progress." [1] But it remains to be seen whether the promise of this legislation will become a reality. Therein lies the judicial role. In these cases, we must for the first time interpret the broadest and perhaps most important of the recent statutes: the National Environmental Policy Act of 1969 (NEPA).[2] We must assess claims that one of the agencies charged with its administration has failed to live up to the congressional mandate. Our duty, in short, is to see that important legislative purposes, heralded in the halls of Congress, are not lost or misdirected in the vast hallways of the federal bureaucracy.

NEPA, like so much other reform legislation of the last 40 years, is cast in terms of a general mandate and broad delegation of authority to new and old administrative agencies. It takes the major step of requiring all federal agencies to consider values of environmental preservation in their spheres of activity, and it prescribes certain procedural measures to ensure that those values are in fact fully respected. Petitioners argue that rules recently adopted by the Atomic Energy Commission to govern consideration of environmental matters fail to satisfy the rigor demanded by NEPA. The Commission, on the other hand, contends that the vagueness of the NEPA mandate and delegation leaves much room for discretion and that the rules challenged by petitioners fall well within the broad scope of the Act. We find the policies embodied in NEPA to be a good deal clearer and more demanding than does the Commission. We conclude that the Commission's procedural rules do not comply with the congressional policy. Hence we remand these cases for further rule making.

I

We begin our analysis with an examination of NEPA's structure and approach and of the Atomic Energy Commission rules which are said to conflict with the requirements of the Act. The relevant portion of NEPA is Title I, consisting of five sections.[3] Section 101 sets forth the Act's basic substantive policy: that the federal government "use all practicable means and measures" to protect environmental values. Congress did not establish environmental protection as an exclusive goal; rather, it desired a reordering of priorities, so that environmental costs and benefits will assume their proper place along with other considerations. In Section 101(b), imposing an explicit duty on federal officials, the Act provides that "it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy," to avoid environmental degradation, preserve "historic, cultural, and natural" resources, and promote "the widest range of beneficial uses of the environment without * * * undesirable and unintended consequences."

Thus the general substantive policy of the Act is a flexible one. It leaves room for a responsible exercise of discretion and may not require particular substantive results in particular problematic instances. However, the Act also contains very important "procedural" provisions—provisions which are designed to see that all federal agencies do in fact exercise the substantive discretion given them. These provisions are not highly flexible. Indeed, they establish a strict standard of compliance.

NEPA, first of all, makes environmental protection a part of the mandate of every federal agency and department. The Atomic Energy Commission, for example, had continually asserted, prior to NEPA, that it had no statutory authority to concern itself with the adverse environment effects of its actions.[4] Now, however, its hands are no longer tied. It is not only permitted, but compelled, to take environmental values into account. Perhaps the greatest importance of NEPA is to require the Atomic Energy Commission and other agencies to *consider* environmental issues just as they consider other matters within their mandates.

This compulsion is most plainly stated in Section 102. There, "Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act * * *." Congress also "authorizes and directs" that "(2) all agencies of the Federal Government shall" follow certain rigorous procedures in considering environmental values.[5] Senator Jackson, NEPA's principal sponsor, stated that "[n]o agency will [now] be able to maintain that it has no mandate or no requirement to consider the environmental consequences of its actions." [6] He characterized the requirements of Section 102 as "action-forcing" and stated that "[o]therwise, these lofty declarations [in Section 101] are nothing more than that." [7]

The sort of consideration of environmental values which NEPA compels is clarified in Section 102(2)(A) and (B). In general, all agencies must use a "systematic, interdisciplinary approach" to environmental planning and evaluation "in decisionmaking which may have an impact on man's environment." In order to include all possible environmental factors in the decisional equation, agencies must "identify and develop methods and procedures * * * which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations." [8] "Environmental amenities" will often be in conflict with "economic and technical considerations." To "consider" the former "along with" the latter must involve a balancing process. In some instances environmental costs may outweigh economic and technical benefits and in other instances they may not. But NEPA mandates a rather finely tuned and "systematic" balancing analysis in each instance.[9]

To ensure that the balancing analysis is carried out and given full effect, Section 102(2)(C) requires that responsible officials of all agencies prepare a "detailed statement" covering the impact of particular actions on the environment, the environmental costs which might be avoided, and alternative measures which might alter the cost-benefit equation. The apparent purpose of the "detailed statement" is to aid in the agencies' own decisionmaking process and to advise other interested agencies and the public of the environmental consequences of planned federal action.

Beyond the "detailed statement," Section 102(2)(D) requires all agencies specifically 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." This requirement, like the "detailed statement" requirement, seeks to ensure that each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance. Only in that fashion is it likely that the most intelligent, optimally beneficial decision will ultimately be made.

Moreover, by compelling a formal "detailed statement" and a description of alternatives, NEPA provides evidence that the mandated decision making process has in fact taken place and, most importantly, allows those removed from the initial process to evaluate and balance the factors on their own.

Of course, all of these Section 102 duties are qualified by the phrase "to the fullest extent possible." We must stress as forcefully as possible that this language does not provide an escape hatch for footdragging agencies; it does not make NEPA's procedural requirements somehow "discretionary." Congress did not intend the Act to be such a paper tiger. Indeed, the requirement of environmental consideration "to the fullest extent possible" sets a high standard for the agencies, a standard which must be rigorously enforced by the reviewing courts.

Unlike the substantive duties of Section 101(B), which require agencies to "use all practicable means consistent with other essential considerations," the procedural duties of Section 102 must be fulfilled to the "fullest extent possible." [10] This contrast, in itself, is revealing. But the dispositive factor in our interpretation is the expressed views of the Senate and House conferees who wrote the "fullest extent possible" language into NEPA. They stated: [11]

"* * * The purpose of the new language is to make it clear that each agency of the Federal Government shall comply with the directives set out in * * * [Section 102(2)] unless the existing law applicable to such agency's operations expressly prohibits or makes full compliance with one of the directives impossible. * * * Thus, it is the intent of the conferees that the provision 'to the fullest extent possible' shall not be used by any Federal agency as a means of avoiding compliance with the directives set out in section 102. Rather, the language in section 102 is intended to assure that all agencies of the Federal Government shall comply with the directives set out in said section 'to the fullest extent possible' under their statutory authorizations and that no agency shall utilize an excessively narrow construction of its existing statutory authorizations to avoid compliance."

Thus the Section 102 duties are not inherently flexible. They must be complied with to the fullest extent, unless there is a clear conflict of *statutory* authority.[12] Considerations of administrative difficulty, delay or economic cost will not suffice to strip the section of its fundamental importance.

We conclude, then, that Section 102 of NEPA mandates a particular sort of careful and informed decisionmaking process and creates judicially enforceable duties. The re-

Footnotes at end of article.

viewing courts probably cannot reverse a substantive decision on its merits, under Section 101, unless it be shown that the actual balance of costs and benefits that was struck was arbitrary or clearly gave insufficient weight to environmental values. But if the decision was reached procedurally without individualized consideration and balancing of environmental factors—conducted fully and in good faith—it is the responsibility of the courts to reverse. As one District Court has said of Section 102 requirements: "It is hard to imagine a clearer or stronger mandate to the Courts." [13]

In the cases before us now, we do not have to review a particular decision by the Atomic Energy Commission granting a construction permit or an operating license. Rather, we must review the Commission's recently promulgated rules which govern consideration of environmental values in all such individual decisions.[14] The rules were devised strictly in order to comply with the NEPA procedural requirements—but petitioners argue that they fall far short of the congressional mandate.

The period of the rules' gestation does not indicate overenthusiasm on the Commission's part. NEPA went into effect on January 1, 1970. On April 2, 1970—three months later—the Commission issued its first, short policy statement on implementation of the Act's procedural provisions.[15] After another span of two months, the Commission published a notice of proposed rule making in the Federal Register.[16] Petitioners submitted substantial comments critical of the proposed rules. Finally, on December 3, 1970, the Commission terminated its long rule making proceeding by issuing a formal amendment, labelled Appendix D, to its governing regulations.[17] Appendix D is a somewhat revised version of the earlier proposal and, at last, commits the Commission to consider environmental impact in its decision making process.

The procedure for environmental study and consideration set up by the Appendix D rules is as follows: Each applicant for an initial construction permit must submit to the Commission his own "environmental report," presenting his assessment of the environmental impact of the planned facility and possible alternatives which would alter the impact. When construction is completed and the applicant applies for a license to operate the new facility, he must again submit an "environmental report" noting any factors which have changed since the original report. At each stage, the Commission's regulatory staff must take the applicant's report and prepare its own "detailed statement" of environmental costs, benefits and alternatives. The statement will then be circulated to other interested and responsible agencies and made available to the public. After comments are received from those sources, the staff must prepare a final "detailed statement" and make a final recommendation on the application for a construction permit or operating license.

Up to this point in the Appendix D rules petitioners have raised no challenge. However, they do attack four other, specific parts of the rules which, they say, violate the requirements of Section 102 of NEPA. Each of these parts in some way limits full consideration and individualized balancing of environmental values in the Commission's decision making process. (1) Although environmental factors must be considered by the agency's regulatory staff under the rules, such factors need not be considered by the hearing board conducting an independent review of staff recommendations, unless affirmatively raised by outside parties or staff members. (2) Another part of the procedural rules prohibits any such party from raising non-radiological environmental issues at any hearing if the notice for that hearing appeared in the Federal Register before March 4, 1971. (3) Moreover, the hearing board is prohibited from conducting an independent evaluation and balancing of certain environmental factors if other responsible agencies have already certified that their own environmental standards are satisfied by the proposed federal action. (4) Finally, the Commission's rules provide that when a construction permit for a facility has been issued before NEPA compliance was required and when an operating license has yet to be issued, the agency will not formally consider environmental factors or require modifications in the proposed facility until the time of the issuance of the operating license. Each of these parts of the Commission's rules will be described at greater length and evaluated under NEPA in the following sections of this opinion.

Footnotes at end of article.

II

NEPA makes only one specific reference to consideration of environmental values in agency review processes. Section 102(2))(C) provides that copies of the staff's "detailed statement" and comments thereon "shall accompany the proposal through the existing agency review processes." The Atomic Energy Commission's rules may seem in technical compliance with the letter of that provision. They state:

"12. If any party to a proceeding * * * raises any [environmental] issue * * * the Applicant's Environmental Report and the Detailed Statement will be offered in evidence. The atomic safety and licensing board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. Depending on the resolution of those issues, the permit or license may be granted, denied, or appropriately conditioned to protect environmental values.

"13. When no party to a proceeding * * * raises any [environmental] issue * * * such issues will not be considered by the atomic safety and licensing board. Under such circumstances, although the Applicant's Environmental Report, comments thereon, and the Detailed Statement will accompany the application through the Commission's review processes, they will not be received in evidence, and the Commission's responsibilities under the National Environmental Policy Act of 1969 will be carried out in toto outside the hearing process." [18]

The question here is whether the Commission is correct in thinking that its NEPA responsibilities may "be carried out in toto outside the hearing process"—whether it is enough that environmental data and evaluations merely "accompany" an application through the review process, but receive no consideration whatever from the hearing board.

We believe that the Commission's crabbed interpretation of NEPA makes a mockery of the Act. What possible purpose could there be in the Section 102(2)(C) requirement (that the "detailed statement" accompany proposals through agency review processes) if "accompany" means no more than physical proximity—mandating no more than the physical act of passing certain folders and papers, unopened, to reviewing officials along with other folders and papers? What possible purpose could there be in requiring the "detailed statement" to be before hearing boards, if the boards are free to ignore entirely the contents of the statement? NEPA was meant to do more than regulate the flow of papers in the federal bureaucracy. The word "accompany" in Section 102(2)(C) must not be read so narrowly as to make the Act ludicrous. It must, rather, be read to indicate a congressional intent that environmental factors, as compiled in the "detailed statement," be *considered* through agency review processes.[19]

Beyond Section 102(2)(C), NEPA requires that agencies consider the environmental impact of their actions "to the fullest extent possible." The Act is addressed to agencies as a whole, not only to their professional staffs. Compliance to the *"fullest"* possible extent would seem to demand that environmental issues be considered at every important stage in the decision making process concerning a particular action—at every stage where an overall balancing of environmental and nonenvironmental factors is appropriate and where alterations might be made in the proposed action to minimize environmental costs. Of course, consideration which is entirely duplicative is not necessarily required. But independent review of staff proposals by hearing boards is hardly a duplicative function. A truly independent review provides a crucial check on the staff's recommendations. The Commission's hearing boards automatically consider nonenvironmental factors, even though they have been previously studied by the staff. Clearly, the review process is an appropriate stage at which to balance conflicting factors against one another. And, just as clearly, it provides an important opportunity to reject or significantly modify the staff's recommended action. Environmental factors, therefore, should not be singled out and excluded, at this stage, from the proper balance of values envisioned by NEPA.

The Commission's regulations provide that in an uncontested proceeding the hearing board shall on its own "determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support affirmative findings on" various nonenvironmental factors.[20] NEPA requires at least as much automatic consideration of environmental factors. In uncontested hearings, the board need not necessarily go over the same ground covered in the "detailed statement." But it must at least examine the statement carefully to determine whether "the review * * * by the Commission's regulatory staff has been adequate." And it must independently consider the final balance among conflicting factors that is struck in the staff's recommendation.

The rationale of the Commission's limitation of environmental issues to hearings in which parties affirmatively raise those issues may have been one of economy. It may have been supposed that, whenever there are serious environmental costs overlooked or uncorrected by the staff, some party will intervene to bring those costs to the hearing board's attention. Of course, independent review of the "detailed statement" and independent balancing of factors in an uncontested hearing will take some time. If it is done properly, it will take a significant amount of time. But all of the NEPA procedures take time. Such administrative costs are not enough to undercut the Act's requirement that environmental protection be considered "to the fullest extent possible," *see* text at pages 9–11 *supra*.

It is, moreover, unrealistic to assume that there will always be an intervenor with the information, energy and money required to challenge a staff recommendation which ignores environmental costs. NEPA establishes environmental protection as an integral part of the Atomic Energy Commission's basic mandate. The primary responsibility for fulfilling that mandate lies with the Commission. Its responsibility is not simply to sit back, like an umpire, and resolve adversary contentions at the hearing stage. Rather, it must itself take the initiative of considering environmental values at every distinctive and comprehensive stage of the process beyond the staff's evaluation and recommendation.[21]

III

Congress passed the final version of NEPA in late 1969, and the Act went into full effect on January 1, 1970. Yet the Atomic Energy Commission's rules prohibit any consideration of environmental issues by its hearing boards at proceedings officially noticed before March 4, 1971.[22] This is 14 months after the effective date of NEPA. And

the hearings affected may go on for as much as a year longer until final action is taken. The result is that major federal actions having a significant environmental impact may be taken by the Commission, without full NEPA compliance, more than two years after the Act's effective date. In view of the importance of environmental consideration during the agency review process, *see* Part II *supra*, such a time lag is shocking.

The Commission explained that its very long time lag was intended "to provide an orderly period of transition in the conduct of the Commission's regulatory proceedings and to avoid unreasonable delays in the construction and operation of nuclear power plants urgently needed to meet the national requirements for electric power." [23] Before this court, it has claimed authority for its action, arguing that "the statute did not lay down detailed guidelines and inflexible timetables for its implementation; and we find in it no bar to agency provisions which are designed to accommodate transitional implementation problems." [24]

Again, the Commission's approach to statutory interpretation is strange indeed—so strange that it seems to reveal a rather thoroughgoing reluctance to meet the NEPA procedural obligations in the agency review process, the stage at which deliberation is most open to public examination and subject to the participation of public intervenors. The Act, it is true, lacks an "inflexible timetable" for its implementation. But it does have a clear effective date, consistently enforced by reviewing courts up to now. Every federal court having faced the issues has held that the procedural requirements of NEPA must be met in order to uphold federal action taken after January 1, 1970.[25] The absence of a "timetable" for compliance has never been held sufficient, in itself, to put off the date on which a congressional mandate takes effect. The absence of a "timetable," rather, indicates that compliance is required forthwith.

The only part of the Act which even implies that implementation may be subject, in some cases, to some significant delay is Section 103. There, Congress provided that all agencies must review "their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance" with NEPA. Agencies finding some such insuperable difficulty are obliged to "propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act."

The Commission, however, cannot justify its time lag under these Section 103 provisions. Indeed, it has not attempted to do so; only intervenors have raised the argument. Section 103 could support a substantial delay only by an agency which in fact discovered an insuperable barrier to compliance with the Act and required time to formulate and propose the needed reformative measures. The actual review of existing statutory authority and regulations cannot be a particularly lengthy process for experienced counsel of a federal agency. Of course, the Atomic Energy Commission discovered no obstacle to NEPA implementation. Although it did not report its conclusion to the President until October 2, 1970, that nine-month delay (January to October) cannot justify so long a period of noncompliance with the Act. It certainly cannot justify a further delay of compliance until March 4, 1971.

No doubt the process of formulating procedural rules to implement NEPA takes some time. Congress cannot have expected that federal agencies would immediately begin considering environmental issues on January 1, 1970. But the effective date of the Act does set a time for agencies to begin adopting rules and it demands that they strive, "to the fullest extent possible," to be prompt in the process. The Atomic Energy Commission has failed in this regard.[26] Consideration of environmental issues in the agency review process, for example, is quite clearly compelled by the Act.[27] The Commission cannot justify its 11-month delay in adopting rules on this point as part of a difficult, discretionary effort to decide whether or not its hearing boards should deal with environmental questions at all.

Even if the long delay had been necessary, however, the Commission would not be relieved of all NEPA responsibility to hold public hearings on the environmental consequences of actions taken between January 1, 1970 and final adoption of the rules. Although the Act's effective date may not require instant compliance, it must at least require that NEPA procedures, once established, be applied to consider prompt alterations in the plans or operations of facilities approved without compliance.[28] Yet the Commission's rules contain no such provision. Indeed, they do not even apply to the hearings still being conducted at the time of their adoption on December 3, 1970—or, for that matter, to hearings initiated in the following three months. The delayed compliance date of March 4, 1971, then, cannot be justified by the Commission's long drawn out rule making process.

Strangely, the Commission has principally relied on more pragmatic arguments. It seems an unfortunate affliction of large organizations to resist new procedures and to envision massive roadblocks to their adoption. Hence the Commission's talk of the need for an "orderly transition" to the NEPA procedures. It is difficult to credit the Commission's argument that several months were needed to work the consideration of environmental values into its review process. Before the enactment of NEPA, the Commission already had regulations requiring that hearings include health, safety and radiological maters.[29] The introduction of environmental matters cannot have presented a radically unsettling problem. And, in any event, the obvious sense of urgency on the part of Congress should make clear that a transition, however "orderly," must proceed at a pace faster than a funeral procession.

In the end, the Commission's long delay seems based upon what it believes to be a pressing national power crisis. Inclusion of environmental issues in pre-March 4, 1971 hearings might have held up the licensing of some power plants for a time. But the very purpose of NEPA was to tell federal agencies that environmental protection is as much a part of their responsibility as is protection and promotion of the industries they regulate. Whether or not the spectre of a national power crisis is as real as the Commission apparently believes, it must not be used to create a blackout of environmental consideration in the agency review process. NEPA compels a case-by-case examination and balancing of discrete factors. Perhaps there may be cases in which the need for rapid licensing of a particular facility would justify a strict time limit on a hearing board's review of environmental issues; but a blanket banning of such issues until March 4, 1971 is impermissible under NEPA.

IV

The sweep of NEPA is extraordinarily broad, compelling consideration of any and all types of environmental impact of federal action. However, the Atomic Energy Commission's rules specifically exclude from full consideration a wide variety of environmental issues. First, they provide that no party may raise and the Commission may not independently examine any problem of water quality—perhaps the most significant impact of nuclear power plants. Rather, the Commission indicates that it will defer totally to water quality standards devised and administered by state agencies and approved by the federal government under the Federal Water Pollution Control Act.[30] Secondly, the rules provide for similar abdication of NEPA authority to the standards of other agencies:

"With respect to those aspects of environment quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose." [31]

The most the Commission will do is include a condition in all construction permits and operating licenses requiring compliance with the water quality or other standards set by such agencies.[32] The upshot is that the NEPA procedures, viewed by the Commission as superfluous, will wither away in disuse, applied only to those environmental issues whole unregulated by any other federal, state or regional body.

We believe the Commission's rule is in fundamental conflict with the basic purpose of the Act. NEPA mandates a case-by-case balancing judgment on the part of federal agencies. In each individual case, the particular economic and technical benefits of planned action must be assessed and then weighed against the environmental costs; alternatives must be considered which would affect the balance of values. *See* texts at pages 7–9 *supra*. The magnitude of possible benefits and possible costs may lie anywhere on a broad spectrum. Much will depend on the particular magnitudes involved in particular cases. In some cases, the benefits will be great enough to justify a certain quantum of environmental costs; in other cases, they will not be so great and the proposed action may have to be abandoned or significantly altered so as to bring the benefits and costs into a proper balance. The point of the individualized balancing analysis is to ensure that, with possible alterations, the optimally beneficial action is finally taken.

Certification by another agency that its own environmental standards are satisfied involves an entirely different kind of judgment. Such agencies, without overall responsibility for the particular federal action in question, attend only to one aspect of the problem: the magnitude of certain environmental costs. They simply determine whether those costs exceed an allowable amount. Their certification does not mean that they found no environmental damage whatever. In fact, there may be significant environmental damage (*e.g.*, water pollution), but not quite enough to violate applicable (*e.g.*, water quality) standards. Certifying agencies do not attempt to weigh that damage against the opposing benefits. Thus the balancing analysis remains to be done. It may be that the environmental costs, through passing prescribed standards, are nonetheless great enough to outweigh the particular economic and technical benefits involved in the planned action. The only agency in a position to make such a judgment is the agency with overall responsibility for the proposed federal action—the agency to which NEPA is specifically directed.

The Atomic Energic Commission, abdicating entirely to other agencies' certifications, neglects the mandated balancing analysis. Concerned members of the public are thereby precluded from raising a wide range of environmental issues in order to affect particular Commission decisions. And the special purpose of NEPA is subverted.

Arguing before this court, the Commission has made much of the special environmen-

Footnotes at end of article.

tal expertise of the agencies which set environmental standards. NEPA did not overlook this consideration. Indeed, the Act is quite explicit in describing the attention which is to be given to the views and standards of other agencies. Section 102(2)(C) provides:

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public * * *."

Thus the Congress was surely cognizant of federal, state and local agencies "authorized to develop and enforce environmental standards." But it provided, in Section 102(2)(C), only for full consultation. It most certainly did not authorize a total abdication to those agencies. Nor did it grant a license to disregard the main body of NEPA obligations.

Of course, federal agencies such as the Atomic Energy Commission may have specific duties, under acts other than NEPA, to obey particular environmental standards. Section 104 of NEPA makes clear that such duties are not to be ignored:

"Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency."

On its face, Section 104 seems quite unextraordinary, intended only to see that the general procedural reforms achieved in NEPA do not wipe out the more specific environmental controls imposed by other statutes. Ironically, however, the Commission argues that Section 104 in fact allows other statutes to wipe out NEPA.

Since the Commission places great reliance on Section 104 to support its abdication to standard setting agencies, we should first note the section's obvious limitation. It deals only with deference to such agencies which is compelled by "specific statutory obligations." The Commission has brought to our attention one "specific statutory obligation.": the Water Quality Improvement Act of 1970 (WQIA).[33] That Act prohibits federal licensing bodies, such as the Atomic Energy Commission, from issuing licenses for facilities which pollute "the navigable waters of the United States" unless they receive a certification from the appropriate agency that compliance with applicable water quality standards is reasonably assured. Thus Section 104 applies in some fashion to consideration of water quality matters. But it definitely cannot support—indeed, it is not even relevant to—the Commission's wholesale abdication to the standards and certifications of any and all federal, state and local agencies dealing with matters other than water quality.

As to water quality, Section 104 and WQIA clearly require obedience to standards set by other agencies. But obedience does not imply total abdication. Certainly, the language of Section 104 does not authorize an abdication. It does not suggest that other "specific statutory obligations" will entirely replace NEPA. Rather, it ensures that three sorts of "obligations" will not be undermined by NEPA: (1) the obligation to "comply" with certain standards, (2) the obligation to "coordinate" or "consult" with certain agencies, and (3) the obligation to "act, or refrain from acting contingent upon" a certification from certain agencies. WQIA imposes the third sort of obligation. It makes the granting of a license by the Commission "contingent upon" a water quality certification. But it does not *require* the Commission to grant a license once a certification has been issued. It does not preclude the Commission from demanding water pollution controls from its licensees which are *more strict* than those demanded by the applicable water quality standards of the certifying agency.[34] It is very important to understand these facts about WQIA. For all that Section 104 of NEPA does is to reaffirm other "specific statutory obligations." Unless those obligations are plainly mutually exclusive with the requirements of NEPA, the specific mandate of NEPA must remain in force. In other words, Section 104 can operate to relieve an agency of its NEPA duties only if other "specific statutory obligations" clearly preclude performance of those duties.

Obedience to water quality certifications under WQIA is not mutually exclusive with the NEPA procedures. It does not preclude performance of the NEPA duties. Water quality certifications essentially establish a *minimum condition* for the granting of a license. But they need not end the matter. The Commission can then go on to perform the very different operation of balancing the overall benefits and costs of a particular proposed project, and consider alterations (above and beyond the applicable water quality standards) which would further reduce environmental damage. Because the Commission *can* still conduct the NEPA balancing analysis, consistent with WQIA, Section 104 does not exempt it from doing so. And it, therefore, *must* conduct the obligatory analysis under the prescribed procedures.

We believe the above result follows from the plain language of Section 104 of NEPA and WQIA. However, the Commission argues that we should delve beneath the plain language and adopt a significantly different interpretation. It relies entirely upon certain statements made by Senator Jackson and Senator Muskie, the sponsors of NEPA and WQIA respectively.[35] Those statements indicate that Section 104 was the product of a compromise intended to eliminate any conflict between the two bills then in the Senate. The overriding purpose was to prevent NEPA from eclipsing obedience to more specific standards under WQIA. Senator Muskie, distrustful of "self-policing by Federal agencies which pollute or license pollution," was particularly concerned that NEPA not undercut the independent role of standard setting agencies.[36] Most of his and Senator Jackson's comments stop short of suggesting that NEPA would have no application in water quality matters; their goal was to protect WQIA, not to undercut NEPA. Our interpretation of Section 104 is perfectly consistent with that purpose.

Yet the statements of the two Senators occasionally indicate they were willing to go farther, to permit agencies such as the Atomic Energy Commission to forego at least some NEPA procedures in consideration of water quality. Senator Jackson, for example, said, "The compromise worked out between the bills provides that the licensing agency will not have to make a detailed statement on water quality if the State or other appropriate agency has made a certification pursuant to [WQIA]."[37] Perhaps Senator Jackson would have required some consideration and balancing of environmental costs—despite the lack of a formal detailed statement—but he did not spell out his views.

No, Senator, other than Senators Jackson and Muskie, addressed himself specifically to the problem during floor discussion. Nor did any member of the House of Representatives.[38] The section-by-section analysis of NEPA submitted to the Senate clearly stated the over-riding purpose of Section 104: that "no agency may substitute the procedures outlined in this Act for more restrictive and specific procedures established by law governing its activities."[39] The report does not suggest there that NEPA procedures should be entirely abandoned, but rather that they should not be "substituted" for more specific standards. In one rather cryptic sentence, the analysis does muddy the waters somewhat, stating that "[i]t is the intention that where there is no more effective procedure already established, the procedure of this act will be followed."[40]

Notably, however, the sentence does not state that in the presence of "more effective procedures" the NEPA procedure will be abandoned entirely. It seems purposefully vague, quite possibly meaning that obedience to the certifications of standard setting agencies must alter, by supplementing, the *normal* "procedure of this act."

This rather meager legislative history, in our view, cannot radically transform the purport of the plain words of Section 104. Had the Senate sponsors fully intended to allow a total abdication of NEPA responsibilities in water quality matters—rather than a supplementing of them by strict obedience to the specific standards of WQIA—the language of Section 104 could easily have been changed. As the Supreme Court often has said, the legislative history of a statute (particularly such relatively meager and vague history as we have here) cannot radically affect its interpretation if the language of the statute is clear. *See, e.g., Packard Motor Car Co.* v. *NLRB*, 330 U.S. 485 (1947); *Kuehner* v. *Irving Trust Co.*, 299 U.S. 445 (1937); *Fairport, Painesville & Eastern R. Co.* v. *Meredith*, 292 U.S. 589 (1934); *Wilbur* v. *United States ex rel. Vindicator Consolidated Gold Mining Co.*, 284 U.S. 231 (1931). In a recent case interpreting a veterans' act, the Court set down the principle which must govern our approach to the case before us:

"Having concluded that the provisions of § 1 are clear and unequivocal on their face, we find no need to resort to the legislative history of the Act. Since the State has placed such heavy reliance upon that history, however, we do deem it appropriate to point out that this history is as best inconclusive. It is true, as the State points out, that Representative Rankin, as Chairman of the Committee handling the bill on the floor of the House, expressed his view during the course of discussion of the bill on the floor that the 1941 Act would not apply to [the sort of case in question] * * * But such statements, even when they stand alone, have never been regarded as sufficiently compelling to justify deviation from the plain language of a statute. * * *"

United States v. *Oregon*, 366 U.S. 643, 648 (1961). (Footnotes omitted.) It is, after all, the plain language of the statute which *all* the members of both houses of Congress must approve or disapprove. The courts should not allow that language to be significantly undercut. In cases such as this one, the most we should do to interpret clear statutory wording is to see that the *overriding purpose* behind the wording supports its plain meaning. We have done that here. And we conclude that Section 104 of NEPA does not permit the sort of total abdication of responsibility practiced by the Atomic Energy Commission.

V

Petitioners' final attack is on the Commission's rules governing a particular set of nuclear facilities: those for which construction permits were granted without consideration of environmental issues, but for which operating licenses have yet to be issued. These facilities, still in varying stages of construction, include the one of most immediate concern to one of the petitioners: the Calvert Cliffs nuclear power plant on Chesapeake Bay in Maryland.

Footnotes at end of article.

The Commission's rules recognize that the granting of a construction permit before NEPA's effective date does not justify bland inattention to environmental consequences until the operating license proceedings, perhaps in the future. The rules require that measures be taken now for environmental protection. Specifically, the Commission has provided for three such measures during the pre-operating license stage. First, it has required that a condition be added to all construction permits, "whenever issued," which would oblige the holders of the permits to observe all applicable environmental standards imposed by federal or state law. Second, it has required permit holders to submit their own environmental report on the facility under construction. And third, it has initiated procedures for the drafting of its staff's "detailed environmental statement" in advance of operating license proceedings.[41]

The one thing the Commission has refused to do is take any independent action based upon the material in the environmental reports and "detailed statements." Whatever environmental damage the reports and statements may reveal, the Commission will allow construction to proceed on the original plans. It will not even consider requiring alterations in those plans (beyond compliance with external standards which would be binding in any event), though the "detailed statements" must contain an analysis of possible alternatives and may suggest relatively inexpensive but high highly beneficial changes. Moreover, the Commission has, as a blanket policy, refused to consider the possibility of temporarily halting construction in particular cases pending a full study of a facility's environmental impact. It has also refused to weigh the pros and cons of "backfitting" for particular facilities (alteration of already constructed portions of the facilities in order to incorporate new technological developments designed to protect the environment). Thus reports and statements will be produced, but nothing will be done with them. Once again, the Commission seems to believe that the mere drafting and filing of papers is enough to satisfy NEPA.

The Commission appears to recognize the severe limitation which its rules impose on environmental protection. Yet it argues that full NEPA consideration of alternatives and independent action would cause too much delay at the pre-operating license stage. It justifies its rules as the most that is "practicable, in the light of environmental needs and 'other essential considerations of national policy'." [42] It cites, in particular, the "national power crisis" as a consideration of national policy militating against delay in construction of nuclear power facilities.

The Commission relies upon the flexible NEPA mandate to "use all practicable means consistent with other essential considerations of national policy." As we have previously pointed out, however, that mandate applies only to the substantive guidelines set forth in Section 101 of the Act. *See* pages 9–10 *supra*. The procedural duties, the duties to give full *consideration* to environmental protection, are subject to a much more strict standard of compliance. By now, the applicable principle should be absolutely clear. NEPA requires that an agency must—to the *fullest* extent possible under its other statutory obligations—consider alternative to its actions which would reduce environmental damage. That principle establishes that consideration of environmental matters must be more than a *pro forma* ritual. Clearly, it is pointless to "consider" environmental costs without also seriously considering action to avoid them. Such a full exercise of substantive discretion is required at every important, appropriate and nonduplicative stage of an agency's proceedings. *See* text at pages 16–17 *supra*.

The special importance of the pre-operating license stage is not difficult to fathom. In cases where environmental costs were not considered in granting a construction permit, it is very likely that the planned facility will include some features which do significant damage to the environment and which could not have survived a rigorous balancing of costs and benefits. At the later operating license proceedings, this environmental damage will have to be fully considered. But by that time the situation will have changed radically. Once a facility has been completely constructed, the economic cost of any alteration may be very great. In the language of NEPA, there is likely to be an "irreversible and irretrievable commitment of resources," which will inevitably restrict the Commission's options. Either the licensee will have to undergo a major expense in making alterations in a completed facility or the environmental harm will have to be tolerated. It is all to probable that the latter result would come to pass.

By refusing to consider requirement of alterations until construction is completed, the Commission may effectively foreclose the environmental protection desired by Congress. It may also foreclose rigorous consideration of environmental factors at the eventual operating license proceedings. If "irreversible and irretrievable commitment[s] of resources" have already been made, the license hearing (and any public intervention therein) may become a hollow exercise. This hardly amounts to consideration of environmental values "to the fullest extent possible."

A full NEPA consideration of alterations in the original plans of a facility, then, is both important and appropriate well before the operating license proceedings. It is not duplicative if environmental issues were not considered in granting the construction permit. And it need not be duplicated, absent new information or new developments, at the operating license stage. In order that the pre-operating license review be as effective as possible, the Commission should consider very seriously the requirement of a temporary halt in construction pending its review and the "backfitting" of technological innovations. For no action which might minimize environmental damage may be dismissed out of hand. Of course, final operation of the facility may be delayed thereby. But some delay is inherent whenever the NEPA consideration is conducted—whether before or at the license proceedings. It is far more consistent with the purposes of the Act to delay operation at a stage where real environmental protection may come about than at a stage where corrective action may be so costly as to be impossible.

Thus we conclude that the Commission must go farther than it has in its present rules. It must consider action, as well as file reports and papers, at the pre-operating license stage. As the Commission candidly admits, such consideration does not amount to a retroactive application of NEPA. Although the projects in question may have been commenced and initially approved before January 1, 1970, the Act clearly applies to them since they must still pass muster before going into full operation.[43] All we demand is that the environmental review be as full and fruitful as possible.

VI

We hold that, in the four respects detailed above, the Commission must revise its rules governing consideration of environmental issues. We do not impose a harsh burden on the Commission. For we require only an exercise of substantive discretion which will protect the environment "to the fullest extent possible." No less is required if the grand congressional purposes underlying NEPA are to become a reality.

Remanded for proceedings consistent with this opinion.

FOOTNOTES

[1] *See, e.g.*, Environmental Education Act, 20 U.S.C.A. § 1531 (1971 Pocket Part); Air Quality Act of 1967, 42 U.S.C. § 1857 (Supp. V 1965–1969): Environmental Quality Improvement Act of 1970, 42 U.S.C.A. §§ 4372–4374 (1971 Pocket Part); Water and Environmental Quality Improvement Act of 1970, Pub. L. 91–224, 91st Cong., 2d Sess. (1970).

[2] 42 U.S.C.A. § 4321 *et seq.* (1971 Pocket Part).

[3] The full text of Title I is printed as an appendix to this opinion. (See 102 Monitor, Vol. 1 No. 1, pp. 3–5, for reprint of NEPA's Title I.)

[4] Before the enactment of NEPA, the Commission did recognize its separate statutory mandate to consider the specific radiological hazards caused by its actions; but it argued that it could not consider broader environmental impacts. Its position was upheld in *State of New Hampshire* v. *Atomic Energy Commission*, 1 Cir., 406 F.2d 170, *cert. denied*, 395 U.S. 962 (1969).

[5] Only once—in § 102(2)(B)—does the Act state, in terms, that federal agencies must give full "consideration" to environmental impact as part of their decision making processes. However, a requirement of consideration is clearly implicit in the substantive mandate of § 101, in the requirement of § 102(1) that all laws and regulations be "interpreted and administered" in accord with that mandate, and in the other specific procedural measures compelled by § 102(2). The only circuit to interpret NEPA to date has said that "[t]his Act essentially states that every federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment." *Zabel* v. *Tabb*, 5 Cir., 430 F.2d 199, 211 (1970). Thus a purely mechanical compliance with the particular measures required in § 102(2)(C) & (D) will not satisfy the Act if they do not amount to full good faith *consideration* of the environment. *See* text at pages 14–18 *infra*. The requirements of § 102(2) must not be read so narrowly as to erase the general import of §§ 101, 102(1) and 102(2)(A) & (B).

On April 23, 1971, the Council on Environmental Quality—established by NEPA—issued guidelines for federal agencies on compliance with the Act. 36 FED. REG. 7723 (April 23, 1971). The Council stated that "[t]he objective of section 102(2)(C) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action * * *." *Id.* at 7724.

[6] *Hearings on S. 1075, S. 237 and S. 1752 Before Senate Committee on Interior and Insular Affairs*, 91st Cong., 1st Sess. 206 (1969). Just before the Senate finally approved NEPA, Senator Jackson said on the floor that the Act "directs all agencies to assure consideration of the environmental impact of their actions in decisionmaking." CONG. REC., vol. 115, pt. 30, p. 40416.

[7] *Hearings on S. 1075, supra* Note 6, at 116. Again, the Senator reemphasized his point on the floor of the Senate, saying: "To insure that the policies and goals defined in this act are infused into the ongoing programs and actions of the Federal Government, the act also established some important 'action-forcing' procedures." CONG. REC., vol. 115, pt. 30, p. 40416. The Senate Committee on Interior and Insular Affairs Committee Report on NEPA also stressed the importance of the "action-forcing" provisions which require full and rigorous consideration of environmental values as an integral part of agency decision making. S. Rep. No. 91–296, 91st Cong., 1st Sess. (1969).

[8] The word "appropriate" in § 102(2)(B) cannot be interpreted to blunt the thrust of the whole Act or to give agencies broad discretion to downplay environmental factors in their decision making processes. The Act requires consideration "appropriate" to the problem of protecting our threatened environment, not consideration "appropriate" to the whims, habits or other particular concerns of federal agencies. *See* Note 5 *supra*.

[9] Senator Jackson specifically recognized the requirement of a balancing judgment. He said on the floor of the Senate: "Subsection 102(b) requires the development of procedures designed to insure that all relevant environmental values and amenities are considered in the calculus of project development and decisionmaking. Subsection 102(c) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered, that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy, that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted." CONG. REC., vol. 115, pt. 21, p. 29055.

[10] The Commission, arguing before this court, has mistakenly confused the two standards, using the § 101(B) language to suggest that it has broad discretion in performance of § 102 procedural duties. We stress the necessity to separate the two, substantive and procedural, standards. *See* text at page 37 *infra*.

[11] The Senators' views are contained in "Major Changes in S. 1075 as Passed by the Senate," CONG. REC., vol. 115, pt. 30, pp. 40417–40418. The Representatives' views are contained in a separate statement filed with the Conference Report, CONG. REC., vol. 115, pt. 29, p. 39702–39703.

[12] § Section 104 of NEPA provides that the Act does not eliminate any duties already imposed by other "specific statutory obligations." Only when such specific obligations conflict with NEPA do agencies have a right under § 104 and the "fullest extent possible" language to dilute their compliance with the full letter and spirit of the Act. *See* text at pages 28–35 *infra*. Sections 103 and 105 also support the general interpretation that the "fullest extent possible" language exempts agencies from full compliance only when there is a conflict of statutory obligations. Section 103 provides for agency review of existing obligations in order to discover and, if possible, correct any conflicts. *See* text at pages 21–22 *infra*. And § 105 provides that "[t]he policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies." The report of the House conferees states that § 105 "does not * * * obviate the requirement that the Federal agencies conduct their activities in accordance with the provisions of this bill unless to do so would clearly violate their existing statutory obligations." CONG. REC., vol. 115, pt. 29, p. 39703. The section-by-section analysis by the Senate conferees makes exactly the same point in slightly different language. CONG. REC., vol. 115, pt. 30, p. 40418. The guidelines published by the Council on Environmental Quality state that "[t]he phrase 'to the fullest extent possible' * * * is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible." 36 FED. REG. at 7724.

[13] *Texas Committee on Natural Resources* v. *United States*, W.D. Tex., 1 Envir. Rpts—Cas. 1303, 1304 (1950). A few of the courts which have considered NEPA to date have made statements stressing the discretionary aspects of the Act. *See, e.g., Pennsylvania Environmental Council* v. *Bartlett*, M.D. Pa., 315 F.Supp. 238 (1970); *Bucklein* v. *Volpe*, N.D. Cal., 2 Envir. Rpts—Cas. 1082, 1083 (1970). The Commission and intervenors rely upon these statements quite heavily. However, their reliance is misplaced, since the courts in question were not referring to the *procedural* duties created by NEPA. Rather, they were concerned with the Act's substantive goals or with such peripheral matters as retroactive application of the Act.

The general interpretation of NEPA which we outline in text at pages 4–11 *supra* is fully supported by the scholarly commentary. *See e.g.*, Donovan, *The Federal Government and Environmental Control: Administrative Reform on the Executive Level*, 12 B.C. IND. & COM. L. REV. 541 (1971); Hanks & Hanks, *An Environmental Bill of Rights: The Citizen Suit and the National Environmental Policy Act of 1969*, 24 RUTG. L. REV. 231 (1970); Sive, *Some Thoughts of an Environmental Lawyer in the Wilderness of Administrative Law*, 70 COLUM. L. REV. 612, 643–650 (1970); Peterson, *An Analysis of Title I of the National Environmental Policy Act of 1969*, 1 ENVIR. L. RPTR 50035 (1971); Yannacone, *National Environmental Policy Act of 1969*, 1 ENVIR. LAW 8 (1970); Note, *The National Environmental Policy Act: A Sheep in Wolf's Clothing?*, 37 BROOKLYN L. REV. 139 (1970).

[14] In Case No. 24,871, petitioners attack four aspects of the Commission's rules, which are outlined in text. In Case No. 24,839, they challenge a particular application of the rules in the granting of a particular construction permit—that for the Calvert Cliffs Nuclear Power Plant. However, their challenge consists largely of an attack on the substance of one aspect of the rules also attacked in Case No. 24,871. Thus we are able to resolve both cases together, and our remand to the Commission for further rule making includes a remand for further consideration relating to the Calvert Cliffs Plant in Case No. 24,839. *See* Part V of this opinion, *infra*.

[15] 35 FED. REG. 5463 (April 2, 1970).

[16] 35 FED. REG. 8594 (June 3, 1970).

[17] 35 FED. REG. 18469 (December 4, 1970). The version of the rules finally adopted is now printed in 10 C.F.R. § 50, App. D, pp. 246–250 (1971).

[18] 10 C.F.R. § 50, App. D, at 249.

[19] The guidelines issued by the Council on Environmental Quality emphasize the importance of consideration of alternatives to staff recommendations during the agency review process: "A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects." 36 FED. REG. at 7725. The Council also states that an objective of its guidelines is "to assist agencies in implementing not only the letter, but the spirit, of the Act." *Id.* at 7724.

[20] 10 C.F.R. § 2.104(b)(2) (1971).

[21] In recent years, the courts have become increasingly strict in requiring that federal agencies live up to their mandates to consider the public interest. They have become increasingly impatient with agencies which attempt to avoid or dilute their statutorily imposed role as protectors of public interest values beyond the narrow concerns of industries being regulated. *See, e.g., Udall* v. *FPC*, 387 U.S. 428 (1967); *Environmental Defense Fund, Inc.*, v. *Ruckelshaus*, —— U.S. App. D.C. ——, 439 F. 2d 584 (1971); *Moss* v. *C.A.B.*, 139 U.S. App. D.C. 150, 430 F. 2d 891 (1970); *Environmental Defense Fund, Inc.*, v. *U.S. Dept. of H. E. & W.*, 138 U.S. App. D.C. 381, 428 F. 2d 1083 (1970). In commenting on the Atomic Energy Commission's pre-NEPA duty to consider health and safety matters, the Supreme Court said "the responsibility for safeguarding that health and safety belongs under the statute to the Commission." *Power Reactor Development Co.* v. *I.U.E.R.M.W.*, 367 U.S. 396, 404 (1961). The Second Circuit has made the same point regarding the Federal Power Commission: "In this case, as in many others, the Commission has claimed to be the representative of the public interest. This role does not permit it to act as an umpire blandly calling balls and strikes for adversaries appearing before it; the right of the public must receive active and affirmative protection at the hands of the Commission." *Scenic Hudson Preservation Conference* v. *FPC*, 2 Cir., 354 F. 2d 608, 620 (1965).

[22] 10 C.F.R. § 50, App. D, at 249.

[23] 35 FED. REG. 18470 (December 4, 1970).

[24] Brief for respondents in No. 24,871 at 49.

[25] In some cases, the courts have had a difficult time determining whether particular federal actions were "taken" before or after January 1, 1970. But they have all started from the basic rule that any action taken after that date must comply with NEPA's procedural requirements. *See* Note, *Retroactive Application of the National Environmental Policy Act of 1969*, 69 MICH. L. REV. 732 (1971), and cases cited therein. Clearly, any hearing held between January 1, 1970 and March 4, 1971 which culminates in the grant of a permit or license is a federal action taken after the Act's effective date.

[26] *See* text at pages 12–13 *supra*.

[27] As early as March 5, 1970, President Nixon stated in an executive order that NEPA requires consideration of environmental factors at public hearings. Executive Order 11514, 35 FED. REG. 4247 (March 5, 1970). *See also* Part II of this opinion.

[28] In Part V of this opinion, we hold that the Commission must promptly consider the environmental impact of projects initially approved before January 1, 1970 but not yet granted an operating license. We hold that the Commission may not wait until construction is entirely completed and consider environmental factors only at the operating license hearings; rather, before environmental damage has been irreparably done by full construction of a facility, the Commission must consider alterations in the plans. Much the same principle—of making alterations while they still may be made at relatively small expense—applies to projects approved without NEPA compliance *after* the Act's effective date. A total reversal of the basic decision to construct a particular facility or take a particular action may then be difficult, since substantial resources may already have been committed to the project. Since NEPA must apply to the project in some fashion, however, it is essential that it apply as effectively as possible—requiring alterations in parts of the project to which resources have not yet been inalterably committed at great expense.

One District Court has dealt with the problem of instant compliance with NEPA. It suggested another measure which agencies should take while in the process of developing rules. It said: "The NEPA does not require the impossible. Nor would it require, in effect, a moratorium on all projects which had an environmental impact while awaiting compliance with § 102(2)(B). It would suffice if the statement pointed out this deficiency. The decisionmakers could then determine whether any purpose would be served in delaying the project while awaiting the development of such criteria." *Environmental Defense Fund, Inc.* v. *Corps of Engineers*, E.D. Ark., 325 F.Supp. 749, 758 (1971). Apparently, the Atomic Energy Commission did not even go this far toward *considering* the lack of a NEPA public hearing as a basis for delaying projects between the Act's effective date and adoption of the rules.

Of course, on the facts of these cases, we need not express any final view on the legal effect of the Commission's failure to comply with NEPA after the Act's effective date. Mere *post hoc* alterations in plans may not be enough, especially in view of the Commission's long delay in promulgating rules. Less than a year ago, this court was asked to review a refusal by the Atomic Energy Commission to consider environmental factors in granting a license. We held that the case was not yet ripe for review. But we stated: "If the Commission persists in excluding such evidence, it is courting the possibility that if error is found a court will reverse its final order, condemn its proceeding as so much

waste motion, and order that the proceeding be conducted over again in a way that realistically permits de novo consideration of the tendered evidence." *Thermal Ecology Must Be Preserved* v. *AEC*, 139 U.S. App. D.C. 366, 368, 433 F.2d 524, 526 (1970).

[29] *See* 10 C.F.R. § 20 (1971) for the standards which the Commission had developed to deal with radioactive emissions which might pose health or safety problems.

[30] 10 C.F.R. § 50, App. D, at 249. Appendix D does require that applicants' environmental reports and the Commission's "detailed statements" include "a discussion of the water quality aspects of the proposed action." *Id.* at 248. But, as is stated in text, it bars independent consideration of those matters by the Commission's reviewing boards at public hearings. It also bars the Commission from requiring—or even considering—any water protection measures not already required by the approving state agencies. *See* Note 31 *infra*.

The section of the Federal Water Pollution Control Act establishing a system of state agency certification is § 21, as amended in the Water Quality Improvement Act of 1970. 33 U.S.C.A. § 1171 (1970). In text below, this section is discussed as part of the Water Quality Improvement Act.

[31] 10 C.F.R. § 50, App. D, at 249.

[32] *Ibid.*

[33] The relevant portion is 33 U.S.C.A. § 1171. *See* Note 30 *supra*.

[34] The relevant language in WQIA seems carefully to avoid any such restrictive implication. It provides that "[e]ach Federal agency * * * shall * * * insure compliance with applicable water quality standards * * * ." 33 U.S.C.A. § 1171(a). It also provides that "[n]o license or permit shall be granted until the certification required by this section has been obtained or has been waived * * *. No license or permit shall be granted if certification has been denied * * *." 33 U.S.C.A. § 1171(b)(1). Nowhere does it indicate that certification must be the final and only protection against unjustified water pollution—a fully sufficient as well as a necessary condition for issuance of a federal license or permit.

We also take note of § 21(c) of WQIA, which states: "Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards * * *." 33 U.S.C.A. § 1171(c).

[35] The statements by Senators Jackson and Muskie were made, first, at the time the Senate originally considered WQIA. CONG. REC., vol. 115, pt. 21, pp. 29052–29056. Another relevant colloquy between the two Senators occurred when the Senate considered the Conference Report on NEPA. CONG. REC., vol. 115, pt. 30, pp. 40415–40425. Senator Muskie made a further statement at that time of final Senate approval of the Conference Report on WQIA. CONG. REC., vol. 116, pt. 7, p. 8984.

[36] CONG. REC., vol. 115, pt. 21, p. 29053.

[37] *Ibid. See also id.* at 29056. Senator Jackson appears not to have ascribed major importance to the compromise. He said, "It is my understanding that there was never any conflict between this section [of WQIA] and the provisions of [NEPA]. If both bills were enacted in their present form, there would be a requirement for State certification, as well as a requirement that the licensing agency make environmental findings." *Id.* at 29053. He added, "The agreed-upon changes mentioned previously would change the language of some of these requirements, but their substance would remain relatively unchanged." *Id.* at 29055. Senator Muskie seemed to give greater emphasis to the supposed conflict between the two bills. *See id.* at 29053; CONG. REC., vol. 115, pt. 30, p. 40425; vol. 116, pt. 7, p. 8984.

[38] The Commission has called to our attention remarks made by Congressman Harsha. The Congressman did refer to a statement by Senator Muskie regarding NEPA, but it was a statement regarding application of the Act to established environmental control agencies, not regarding the relationship between NEPA and WQIA. CONG. REC., vol. 115, pt. 30, pp. 40927–40928.

[39] *Id.* at 40420.

[40] *Ibid.*

[41] 10 C.F.R. § 50, App. D, ¶ ¶ 1, 14.

[42] Brief for respondents in No. 24,871 at 59.

[43] The courts which have held NEPA to be nonretroactive have not faced situations like the one before us here—situations where there are two, distinct stages of federal approval, one occurring before the Act's effective date and one after that date. *See* Note, *supra* Note 25.

The guidelines issued by the Council on Environmental Quality urge agencies to employ NEPA procedures to minimize environmental damage, even when approval of particular projects was given before January 1, 1970: "To the maximum extent practicable the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of [NEPA] on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program." 36 FED. REG. at 7727.

TITLE 10.—ATOMIC ENERGY

CHAPTER 1.—ATOMIC ENERGY COMMISSION

Part 50.—Licensing of production and utilization facilities

Implementation of the National Environmental Policy Act of 1969

On July 23, 1971, the United States Court of Appeals for the District of Columbia Circuit rendered its decision in *Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.*, Nos. 24,839 and 24,871, holding that Atomic Energy Commission regulations for the implementation of the National Environmental Policy Act of 1969 (NEPA) in AEC licensing proceedings did not comply in several specified respects with the dictates of that Act, and remanding the proceedings to the Commission for rule making consistent with the Court's opinion.

Revised Appendix D set forth below is an interim statement of Commission policy and procedure for the implementation of NEPA in accordance with the decision of the Court of Appeals.

The effect of the revised regulations will be to make the Atomic Energy Commission directly responsible for evaluating the total environmental impact, including thermal effects, of nuclear power plants, and for assessing this impact in terms of the available alternatives and the need for electric power.

The Commission intends to be responsive to the conservation and environmental concerns of the public. At the same time the Commission is also examining steps that can be taken to reconcile a proper regard for the environment with the necessity for meeting the Nation's growing requirements for electric power on a timely basis.

The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

Revised Appendix D is divided into five sections. Section A deals with the basic procedures for implementing NEPA, including an identification of the information required of applicants, the circulation of environmental reports and detailed statements for comment, and the role of Atomic Safety and Licensing Boards in the environmental review process.

Section B deals with procedures applicable to the specified facility and materials licenses issued during the period from January 1, 1970, the date of enactment of NEPA, to the effective date of this revision.

Section C deals with the procedures applicable to construction permits for the specified facilities issued prior to January 1, 1970, for which operating licenses have not been issued.

Section D deals with the procedures applicable to pending hearings and hearings to be conducted in the near future. It makes provision for NEPA review and hearing opportunity on NEPA matters following such review and also provides for possible authorization of fuel loading and limited operation of nuclear power reactors, consistent with appropriate regard for environmental values, during the period of ongoing NEPA environmental review. Operation beyond twenty per cent (20%) of full power would require the specific prior approval of the Commission and would not be authorized except in emergency situations or other situations where the public interest so requires. (Counterpart provisions for certain materials licensing actions are contained in Section A.)

Section E sets forth the factors which will be considered by the Commission in determining whether to suspend, pending the required NEPA environmental review, permits or licenses of the specified types issued during the period from January 1, 1970, and the effective date of this revision and construction permits for the specified facilities issued prior to January 1, 1970, for which operating licenses have not been issued.

Sections B, C and D provide that the Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the times within which the proceedings subject to those sections will be completed. These provisions are in keeping with the Commission's continuing objective of minimizing undue delay in the conduct of its licensing proceedings. They would not impinge upon the basic requirements for a fair and orderly hearing on the NEPA issues.

Because the revision of Appendix D which follows is necessary to comply with Court of Appeals' decision in the *Calvert Cliffs* case, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and impracticable and for making the revision effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following revision of Appendix D of 10 CFR Part 50 is published as a document subject to codification, to be effective upon publication in the Federal Register.

The Commission invites all interested persons who desire to submit written comments or suggestions for consideration in connection with the revision to send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the Federal Register. Consideration will be given to such submission with the view to possible further amendments. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Appendix D is revised to read as follows:

APPENDIX D.—INTERIM STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91–190)

Introduction

On July 23, 1971, the United States Court of Appeals for the District of Columbia Circuit rendered its decision in *Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.*, Nos. 24,839 and 24,871, holding that Atomic Energy Commission regulations for the implementation of the National Environmental Policy Act of 1969 (NEPA) in AEC licensing proceedings did not comply in several specified respects with the dictates of that Act, and remanding the proceedings to the Commission for rule making consistent with the Court's opinion.

The Court of Appeals' decision required, in summary, that the Commission's rules make provision for the following:

1. Independent substantive review of environmental matters in uncontested as well as contested cases by presiding Atomic Safety and Licensing Boards.

2. Consideration of NEPA environmental issues in connection with all nuclear power reactor licensing actions which took place after January 1, 1970 (the effective date of NEPA).

3. Independent evaluation and balancing of certain environmental factors, such as thermal effects, notwithstanding the fact that other Federal or State agencies have already certified that their own environmental standards are satisfied by the proposed licensing action. In each individual case, the benefits of the licensing action must be assessed and weighed against environmental costs; and alternatives must be considered which would affect the balancing of values.

4. NEPA review, and appropriate action after such review, for construction permits issued prior to January 1, 1970, in cases where an operating license has not as yet been issued. The Court's opinion also states that, in order that this review be as effective as possible, the Commission should consider the requirement of a temporary halt in construction pending its review and the backfitting of technological innovations.

As summary background, the National Environmental Policy Act of 1969 (P.L. 91–190) became effective on January 1, 1970. The Commission published on April 2, 1970, in its initial implementation of the Act, an Appendix D to Part 50 stating general Commission policy and procedure for exercising AEC responsibilities under the Act in its licensing proceedings (35 F.R. 5463). Substantial amendments to Appendix D were published on December 4, 1970 (35 F.R. 18469), and further minor amendments on July 7, 1971 (36 F.R. 12731).

The amendments to Appendix D issued herewith have been adopted by the Commission to make interim changes in its regulations for implementation of NEPA in AEC licensing proceedings in light of the Court of Appeals' decision.

A. *Basic Procedures.*

1. Each applicant [1] for a permit to construct a nuclear power reactor, testing facility or fuel reprocessing plant, or such other production or utilization facility whose construction or operation may be determined by the Commission to have a significant impact on the environment, shall submit with his application three hundred (300) copies, in the case of a nuclear power reactor, testing facility or fuel reprocessing plant, or two hundred (200) copies, in the case of such other production or utilization facility, of a separate document, entitled "Applicant's Environmental Report—Construction Permit Stage," which discusses the following environmental considerations:

(a) the environmental impact of the proposed action,

(b) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(c) alternatives to the proposed action,

(d) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(e) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

2. The discussion of alternatives to the proposed action in the Environmental Report required by paragraph 1 shall be sufficiently complete to aid the Commission in developing and exploring, pursuant to section 102(2)(D) of the National Environmental Policy Act, "appropriate alternatives . . . in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

3. The Environmental Report required by paragraph 1 shall include a cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis shall, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they shall be discussed in qualitative terms. The Environmental Report should contain sufficient data to aid the Commission in its development of an independent cost-benefit analysis covering the factors specified in this paragraph.

4. The Environmental Report required by paragraph 1 shall include a discussion of the status of compliance of the facility with applicable environmental quality standards and requirements (including, but not limited to, thermal and other water quality standards promulgated under the Federal Water Pollution Control Act) which have been imposed by Federal, State and regional agencies having responsibility for environmental protection. In addition, the environmental impact of the facility shall be fully discussed with respect to matters covered by such standards and requirements irrespective of whether a certification from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 21(b) of the Federal Water Pollution Control Act [2]). Such discussion shall be reflected in the cost-benefit analysis prescribed in paragraph 3. While satisfaction of AEC standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis prescribed in paragraph 3 shall, for the purposes of the National Environmental Policy Act, consider the radiological effects, together with the thermal effects and the other environmental effects, of the facility.

5. Each applicant for a license to operate a production or utilization facility described in paragraph 1, shall submit with his application three hundred (300) copies, in the case of a nuclear power reactor, testing facility, or fuel reprocessing plant, or two hundred (200) copies, in the case of any other production or utilization facility described in paragraph 1, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same environmental considerations described in paragraphs 1–4, but only to the extent that they differ from those discussed in the Applicant's Environmental Report previously submitted in accordance with paragraph 1. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report previously submitted in accordance with paragraph 1. With respect to the operation of nuclear power reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full-power operation of the facility,[3] except that such report shall be submitted in connection with the conversion of a provisional operating license to a full-term license.

6. After receipt of any Applicant's Environmental Report, the Director of Regulation or his designee will cause to be published in the Federal Register a summary notice of the availability of the Report, and the Report will be placed in the AEC's Public Document Rooms at 1717 H Street, N.W., Washington, D.C. and in the vicinity of the proposed site, and will be made available to the public at the appropriate State, regional and metropolitan clearinghouses.[4] In addition, a public announcement of the availability of the Report will be made. Any comments by interested persons on the Report will be considered by the Commission's regulatory staff, and there will be further opportunity for public comment in accordance with paragraph 7. The Director of Regulation or his designee will analyze the Report and prepare a draft Detailed Statement of environmental considerations. The draft Detailed Statement will contain an assessment of the matters specified in paragraph 1; a preliminary cost-benefit analysis based on the factors specified in paragraph 3; and an analysis, pursuant to section 102(2)(D) of the National Environmental Policy Act, of appropriate alternatives to the proposed licensing action in any case which involves unresolved conflicts concerning alternative uses of available resources (i.e., an analysis of alternatives which would alter the environmental impact and the cost-benefit balance). The Commission will then transmit a copy of the Report and of the draft Detailed Statement to such Federal agencies designated by the Council on Environmental Quality as having "jurisdiction by law or special expertise with respect to any environmental impact involved" or as "authorized to develop and enforce environmental standards" as the Commission determines are appropriate,[5] and to the Governor or appropriate State and local officials, who are authorized to develop and enforce environmental standards, of any affected State. The transmittal will request comment on the Report and the draft Detailed Statement within forty-five (45) days in the case of Federal agencies and seventy-five (75) days in the case of State and local officials, or within such longer time as the Commission may deem appropriate. (In accordance with § 2.101(b) of Part 2, the Commission will also send a copy of the application to the Governor or other appropriate official of the State in which the facility is to be located and will publish in the Federal Register a notice of receipt of the application, stating the purpose of the application and specifying the location at which the proposed activity will be conducted.) Comments on an "Applicant's Environmental Report—Operating License Stage" and on the draft Detailed Statement prepared in connection therewith will be requested only as to environmental matters that differ from those previously considered at the construction permit stage. If any such Federal agency or State or local official fails to provide the Commission with comments within the time specified by the Commission, it will be presumed that the agency or official has no comment to make, unless a specific extension of time has been requested.

7. In addition, upon preparation of a draft Detailed Statement, the Commission will cause to be published in the Federal Register a summary notice of the availability of the Applicant's Environmental Report and the draft Detailed Statement. The summary notice to be published pursuant to

Footnotes at end of article.

this paragraph will request, within seventy-five (75) days or such longer period as the Commission may determine to be practicable, comment from interested persons on the proposed action and on the draft Statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.[6]

8. After receipt of the comments requested pursuant to paragraphs 6. and 7., the Director of Regulation or his designee will prepare a final Detailed Statement on the environmental considerations specified in paragraph 1., including a discussion of problems and objections raised by Federal, State and local agencies or officials and private organizations and individuals and the disposition thereof. The Detailed Statement will contain a final cost-benefit analysis which considers and balances the environmental effects of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical and other benefits of the facility. The cost-benefit analysis will, to the fullest extent practicable, quantify the various factors considered. To the extent that such factors cannot be quantified, they will be discussed in qualitative terms. In the case of any proposed licensing action that involves unresolved conflicts concerning alternative uses of available resources, the Detailed Statement will contain an analysis, pursuant to section 102(2)(D) of the National Environmental Policy Act, of alternatives to the proposed licensing action which would alter the environmental impact and the cost-benefit balance. Compliance of facility construction or operation with environmental quality standards and requirements (including, but not limited to, thermal and other water quality standards promulgated under the Federal Water Pollution Control Act) which have been imposed by Federal, State and regional agencies having responsibility for environmental protection will receive due consideration. In addition, the environmental impact of the facility will be considered in the cost-benefit analysis with respect to matters covered by such standards and requirements, irrespective of whether a certification from the appropriate authority has been obtained (including, but not limited to, any certification obtained pursuant to section 21(b) of the Federal Water Pollution Control Act[7]). While satisfaction of AEC standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis will, for the purposes of the National Environmental Policy Act consider the radiological effects, together with the thermal effects and the other environmental effects, of the facility. On the basis of the foregoing evaluations and analyses, the Detailed Statement will include a conclusion by the Director of Regulation or his designee as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is issuance or denial of the proposed permit or license or its appropriate conditioning to protect environmental values.

Detailed Statements prepared in connection with an application for an operating license will cover only environmental considerations which differ from those discussed in the Detailed Statement previously prepared in connection with the application for a construction permit and may incorporate by reference any information contained in the Detailed Statement previously prepared in connection with the application for a construction permit. With respect *to the operation* of nuclear power reactors, it is expected that in most cases the Detailed Statement will be prepared only in connection with the first licensing action that authorizes full-power operation of the facility,[8] except that such a Detailed Statement will be prepared in connection with the conversion of a provisional operating license to a full-term license.

9. The Commission will transmit to the Council on Environmental Quality copies of (a) each Applicant's Environmental Report, (b) each draft Detailed Statement, (c) comments thereon received from Federal, State and local agencies and officials and private organizations and individuals, and (d) each Detailed Statement prepared pursuant to paragraph 8. Copies of such Report, draft Statements, comments and Statements will be made available to the public as provided in this Appendix and as provided in 10 CFR 9[9] and will accompany the application through, and will be considered in, the Commission's review processes. After each Detailed Statement becomes available, a notice of its availability will be published in the Federal Register, and copies will be made available to appropriate Federal, State and local agencies and State, regional and metropolitan clearinghouses. To the maximum extent practicable, no construction permit or operating license in connection with which a Detailed Statement is required by paragraph 8 will be issued until ninety (90) days after the draft Detailed Statement so required has been circulated for comment, furnished to the Council on Environmental Quality, and made available to the public, and until thirty (30) days after the final Detailed Statement therefor has been made available to the Council and the public. If the final Detailed Statement is filed within ninety (90) days after a draft Statement has been circulated for comment, furnished to the Council and made available to the public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap. In addition, to the maximum extent practicable, the final Detailed Statement will be publicly available at least thirty (30) days before the commencement of any related evidentiary hearing that may be held.

10. In a proceeding for the issuance of a construction permit or an operating license for a production or utilization facility described in paragraph 1 in which a hearing is held, the Applicant's Environmental Report, comments thereon, and the Detailed Statement will be offered in evidence. Any party to the proceeding may take a position and offer evidence on environmental aspects of the proposed licensing action in accordance with the provisions of Subpart G of 10 CFR Part 2.

11. In a proceeding for the issuance of a construction permit for a production or utilization facility described in paragraph 1, and in a proceeding for the issuance of an operating license in which a hearing is held and matters covered by this Appendix are in issue, the Atomic Safety and Licensing Board will (a) determine whether the requirements of section 102(2)(C) and (D) of the National Environmental Policy Act and this Appendix have been complied with in the proceeding, (b) decide any matters in controversy among the parties, (c) determine, in uncontested proceedings, whether the NEPA review conducted by the Commission's regulatory staff has been adequate, and (d) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit or license with a view to determining the appropriate action to be taken.

The Atomic Safety and Licensing Board, on the basis of its conclusions on the above matters, shall determine whether the permit or license should be granted, denied, or appropriately conditioned to protect environmental values. The Atomic Safety and Licensing Board's initial decision will include findings and conclusions which may affirm or modify the contents of the Detailed Statement described in paragraph 8. To the extent that findings and conclusions different from those in the Detailed Statement are reached, the Detailed Statement shall be deemed modified to that extent and, as modified, transmitted to the Council on Environmental Quality and made available to the public pursuant to paragraph 9. If the Commission or the Atomic Safety and Licensing Appeal Board, in a decision on review of the initial decision, reaches conclusions different from the Atomic Safety and Licensing Board with respect to environmental aspects, the Detailed Statement shall be deemed modified to that extent and, as modified, transmitted to the Council on Environmental Quality and made available to the public pursuant to paragraph 9.

12. The Atomic Safety and Licensing Board, during the course of the hearing on an application for a license to operate a production or utilization facility described in paragraph 1, may authorize, pursuant to § 50.57(c), the loading of nuclear fuel in the reactor core and limited operation within the scope of § 50.57(c), upon compliance with the procedures described therein. Where any party to the proceeding opposes such authorization on the basis of matters covered by this Appendix, the provisions of paragraph 11 shall apply in regard to the Atomic Safety and Licensing Board's determination of such matters. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

13. The Commission will incorporate in all construction permits and operating licenses for production and utilization facilities described in paragraph 1, a condition, in addition to any conditions imposed pursuant to paragraph 11, to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license.

14. The Commission has determined that the following activities subject to materials licensing may also significantly affect the quality of the environment:[10] (a) licenses for possession and use of special nuclear material for processing and fuel fabrication, scrap recovery and conversion of uranium hexafluoride; (b) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride; and (c) licenses authorizing commercial radioactive waste disposal by land burial. Applicants for such licenses shall submit two hundred (200) copies of an Environmental Report which discusses the environmental considerations described in paragraphs 1–4. Except as the context may otherwise require, procedures and measures similar to those described in Sections A, B, D and E of this Appendix will be followed in proceedings for the issuance of such licenses. The procedures and measures to be followed with respect to materials licenses will, of course, reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation. Ordinarily, therefore, there will be only one Applicant's Environmental Report required and only one Detailed Statement prepared in connection with an application for a mate-

Footnotes at end of article.

rials license. If a proposed subsequent licensing action involves environmental considerations which differ significantly from those discussed in the Environmental Report filed and the Detailed Statement previously prepared in connection with the original licensing action, a supplementary Detailed Statement will be prepared. In a proceeding for the issuance of a materials license within the purview of this paragraph where the requirements of paragraphs 1–9 have not as yet been met, the activity for which the license is sought may be authorized with appropriate limitations, upon a showing that the conduct of the activity, so limited, will not have a significant, adverse impact on the quality of the environment. In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, the conduct of such activities may be warranted during the period of the ongoing NEPA environmental review. Accordingly, the activity for which the license is sought may be authorized with appropriate limitations after consideration and balancing of the factors described below: *Provided, however,* that such activity may not be authorized for a period in excess of four (4) months except upon specific prior approval of the Commission. Such approval will be extended only for good cause shown.

Factors

(a) Whether it is likely that the activity conducted during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the license result from the ongoing NEPA environmental review.

(b) Whether the activity conducted during the prospective review period would foreclose subsequent adoption of alternatives in the conduct of the activity of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in the conduct of the activity upon the public interest. Of primary importance under this criterion are the needs to be served by the conduct of the activity; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the activity, and any license issued will be conditioned to that effect.

B. *Procedures for Review of Certain Licenses to Construct or Operate Production or Utilization Facilities and Certain Licenses for Source Material, Special Nuclear Material and Byproduct Material Issued in the Period January 1, 1970—(effective date of this amended Appendix D).*

1. All holders of (a) construction permits or operating licenses for production or utilization facilities of the type described in Section A.1, (b) licenses for possession and use of special nuclear material for processing and fuel fabrication, scrap recovery and conversion of uranium hexafluoride, (c) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride, and (d) licenses authorizing commercial radioactive waste disposal by land burial, issued during the period January 1, 1970—(effective date of this amended Appendix D) shall submit, as soon as possible, but no later than (sixty (60) days after effective date of this amended Appendix D), or such later date as may be approved by the Commission upon good cause shown, the appropriate number of copies of an Environmental Report as specified in Section A.1–5.

If an Environmental Report had been submitted prior to the issuance of the permit or license, a supplement to that Report, covering the matters described in Section A.1–5 to the extent not previously covered, may be submitted in lieu of a new Environmental Report.

2. After receipt of any Environmental Report or any supplement to an Environmental Report submitted pursuant to paragraph 1 of this section, the procedures set out in Sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials and interested persons on Environmental Reports and draft Detailed Statements. If no comments are submitted within thrity (30) days by such agencies, officials or persons, it will be presumed that such agencies, officials or persons have no comments to make. The Detailed Statement (or supplemental Detailed Statement, as appropriate) prepared by the Director of Regulation or his designee pursuant to Section A.8 will, on the basis of the analyses and evaluation described therein, include a conclusion by the Director of Regulation or his designee as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is continuation, modification or termination of the permit or license or its appropriate conditioning to portect environmental values.

3. Upon preparation of a Detailed Statement or supplemental Detailed Statement as specified in Section A.8 and paragraph 2 of this Section B, the Director of Regulation will, in the case of construction permit for a nuclear power or test reactor or a fuel reprocessing plant, publish in the FEDERAL REGISTER a notice of hearing, in accordance with § 2.703 of this chapter, on NEPA environmental issues as defined in Section A.11, which hearing notice may be included in the notice required by paragraph 2. Upon preparation of a Detailed Statement or supplemental Detailed Statement as specified in Section A.8 and paragraph 2 of this Section B for any other permit or license for a facility of a type described in Section A.1, the Director of Regulation will publish a notice in the Federal Register, which may be included in the notice required by paragraph 2, setting forth his, or his designee's, conclusion as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is continuation, modification or termination of the permit or license, or appropriate conditioning to protect environmental values and providing that, within thirty (30) days from the date of publication of the notice, the holder of the permit or license may file a request for a hearing and any person whose interest may be affected by the proceeding may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing held pursuant to this paragraph, the provisions of Sections A.10 and 11 will apply. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be completed.

C. *Procedures for Review of Certain Construction Permits for Production or Utilization Facilities Issued Prior to January 1, 1970 for Which Operating Licenses Have Not Been Issued.*

1. Each holder of a permit to construct a production or utilization facility of the type described in Section A.1 issued prior to January 1, 1970, for which an operating license has not been issued, other than holders of construction permits subject to Section D, shall submit the appropriate number of copies of an Environmental Report as specified in Sections A.1–4 of this Appendix as soon as possible, but no later than sixty (60) days after effective date of this amended Appendix D, or such later date as may be approved by the Commission upon good cause shown. If an Environmental Report had been submitted prior to (effective date of this amended Appendix D), a supplement to that Report, covering the matters described in Sections A.1–4 to the extent not previously covered, may be submitted in lieu of a new Environmental Report.

2. Upon receipt of an Environmental Report or supplemental Environmental Report submitted pursuant to paragraph 1, the procedures set out in Sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on Environmental Reports and draft Detailed Statements. If no comments are submitted within thirty (30) days by such agencies, officials or persons, it will be presumed that such agencies, officials or persons have no comment to make. The Detailed Statement (or supplemental Detailed Statement, as appropriate) prepared by the Director of Regulation or his designee pursuant to Section A.8 will, on the basis of the analyses and evaluations described therein, include a conclusion as to whether, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is the continuation, modification or termination of the construction permit or its appropriate conditioning to protect environmental values. Upon preparation of the Detailed Statement, the Director of Regulation will publish in the Federal Register a notice, which may be included in the notice required by Section A.9, setting forth his, or his desginee's, conclusion as respects the continuation, modification or termination of the construction permit or its appropriate conditioning to protect environmental values. The notice will provide that within thirty (30) days from the date of its publication, any person whose interest may be affected by the proceeding may file an answer to the notice setting forth any reasons why the license should not be continued, modified, terminated or conditioned as proposed. Any such person may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing, the provisions of Sections A.10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be completed.

3. The review of environmental matters conducted in accordance with this Section C will not be duplicated at the operating license stage, absent new significant information relevant to these matters.

D. *Procedures Applicable to Pending Hearings or Proceedings to be Noticed in the Near Future.*

1. In proceedings in which hearings are pending as of (effective date of this amended Appendix D) or in which a draft or final Detailed Statement of environmental considerations prepared by the Director of Regulation or his designee has been circulated prior to said date, the presiding Atomic Safety and Licensing Board will, if the requirements of paragraphs 1–9 of Section A have not as yet been met, proceed expeditiously with the aspects of the application related to the Commission's licensing requirements under the Atomic Energy Act pending the submission of Environmental Reports and Detailed Statements as specified in Section A and compliance with other applicable requirements of Section A. A supplement to the Environmental Report, covering the matters de-

scribed in Sections A.1–4 to the extent not previously covered, may be submitted in lieu of a new Environmental Report. Upon receipt of the supplemental Environmental Report, the procedures set out in Sections A.6–9 will be followed, except that comments will be requested, and must be received, within thirty (30) days from Federal agencies, State and local officials, and interested persons on Environmental Reports and draft Detailed Statements. If no comments are submitted within thirty (30) days by such agencies, officials or persons, it will be presumed that such agencies, officials or persons have no comment to make. In any subsequent session of the hearing held on the matters covered by this Appendix, the provisions of Sections A.10 and 11 will apply to the extent pertinent. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed.

2. In a proceeding for the issuance of an operating license where the requirements of paragraph 1–9 of Section A have not as yet been met and the matter is pending before an Atomic Safety and Licensing Board, the applicant may make, pursuant to § 50.57(c), a motion in writing for the issuance of a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c). Upon a showing on the record that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c), the presiding Atomic Safety and Licensing Board may grant the applicant's motion. In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, limited operation may be warranted during the period of the ongoing NEPA environmental review. Such circumstances include testing and verification of plant performance and other limited activities where operation can be justified without prejudice to the ends of environmental protection. Accordingly, the presiding Atomic Safety and Licensing Board may, upon satisfaction of the requirements of § 50.57(c), grant a motion, pursuant to that section, after consideration and balancing on the record of the factors described below: *Provided, however*, that operation beyond twenty per cent (20%) of full power may not be authorized except upon specific prior approval of the Commission.

Factors

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

If any party, including the staff, opposes the request, the provisions of § 50.57(c) will apply with respect to the resolution of the objections of such party and the making of findings required by § 50.57(c) and this paragraph. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which the proceeding, or any portion thereof, will be completed. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

3. This paragraph applies to proceedings on an application for an operating license for which a notice of opportunity for hearing was issued prior to October 31, 1971, and no hearing has been requested. If, in such proceedings, the requirements of paragraphs 1–9 of Section A have not as yet been met, the Commission may issue a license authorizing the loading of fuel in the reactor core and limited operation within the scope of § 50.57(c), upon a showing that such licensing action will not have a significant, adverse impact on the quality of the environment and upon making the appropriate findings on the matters specified in §50.57(a). In addition, the Commission recognizes that there may be other circumstances where, consistent with appropriate regard for environmental values, limited operation may be warranted during the period of the ongoing NEPA environmental review. Such circumstances include testing and verification of plant performance and other limited activities where operation can be justified without prejudice to the ends of environmental protection. Accordingly, the Commission may issue a license for limited operation after consideration and balancing of the factors described in paragraph 2. of this section and upon making the appropriate findings on the matters specified in § 50.57(a): *Provided, however*, that operation beyond twenty per cent (20%) of full power will not be authorized except in emergency situations or other situations where the public interest so requires. Any license so issued will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect. When the requirements of paragraphs 1–9 of Section A have been met, the provisions of Section B.3 applicable to operating licenses will be followed.

E. *Consideration of Suspension of Certain Permits and Licenses Pending NEPA Environmental Review.*

1. In regard to proceedings subject to Sections B and C, the Commission will consider and determine, in accordance with the provisions of paragraphs 3 and 4 of this Section E, whether the permit or license should be suspended, in whole or in part, pending completion of the NEPA environmental review specified in those sections.

2. In making the determination called for in paragraph 1, the Commission will consider and balance the following factors:

(a) Whether it is likely that continued construction or operation during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of the permit or license result from the ongoing NEPA environmental review.

(b) Whether continued construction or operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility construction or operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

3. Each holder of a permit or license subject to Sections B or C shall furnish to the Commission, before (forty (40) days after effective date of this amended Appendix D) or such later date as may be approved by the Commission upon good cause shown, a written statement of any reasons, with supporting factual submission, why, with reference to the criteria in paragraph 2, the permit or license should not be suspended, in whole or in part, pending completion of the NEPA environmental review specified in Sections B or C. Such documents will be publicly available and any interested person may submit comments thereon to the Commission.

4. The Commission will thereafter determine whether the permit or license shall be suspended pending NEPA environmental review and will publish that determination in the Federal Register. A public announcement of that determination will also be made.

(a) If the Commission determines that the permit or license shall be suspended, an order to show cause pursuant to § 2.202 of this chapter shall be served upon the licensee and the provisions of that section followed.[11]

(b) Any person whose interest may be affected by the proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of the Commission's determination on this matter in the Federal Register. Such request shall set forth the matters, with reference to the criteria set out in paragraph 2, alleged to warrant a suspension determination other than that made by the Commission, and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the Federal Register.

(c) The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which a proceeding, or any portion thereof, conducted pursuant to this paragraph shall be completed.

(Sec. 102, Stat. 853; secs 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201.)

FOOTNOTES

[1] Where the "applicant", as used in this Appendix, is a Federal agency, different arrangements for implementing the National Environmental Policy Act may be made, pursuant to the guidelines established by the Council on Environmental Quality.

[2] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 21(b) of the Federal Water Pollution Control Act has not been obtained.

[3] This Report is in addition to the Report required at the construction permit stage.

[4] Such clearinghouses have been established pursuant to Office of Management and Budget Circular A–95 to provide liaison and coordination between Federal and State, regional or local agencies with respect to Federal programs. The documents will be made available at appropriate State, regional and metropolitan clearinghouses only with respect to proceedings in which the draft Detailed Statement is circulated after June 30, 1971, in accordance with the "Guidelines on Statements on Proposed Federal Actions Affecting the Environment" of the Council on Environmental Quality (36 F.R. 7724).

[5] Requests for comments on Environmental Reports and draft Detailed Statements from the Environmental Protection Agency will include a request for comments with respect to water quality aspects of the proposed action for which a certification pursuant to section 21(b) of the Federal Water Pollution Control Act has been issued, and with respect to aspects of the proposed action to which section 309 of the Clean Air Act is applicable.

[6] This paragraph applies only with respect to proceedings in which the draft Detailed Statement is circulated after June 30, 1971.

in accordance with the "Guidelines on Statements on Proposed Federal Actions Affecting the Environment" of the Council on Environmental Quality (36 F.R. 7724).

[7] No permit or license will, of course, be issued with respect to an activity for which a certification required by section 21(b) of the Federal Water Pollution Control Act has not been obtained.

[8] This Statement is in addition to the Statement prepared at the construction permit stage.

[9] 10 CFR Part 9 implements the Freedom of Information Act, Section 552 of Title 5 of the United States Code.

[10] Additional activities subject to materials licensing may be determined to significantly affect the quality of the environment and thus be subject to the provisions of this paragraph.

[11] 10 CFR § 2.202 among other things, provides for institution of a proceeding to modify, suspend or revoke a license by issuance of an order to show cause and provides an opportunity for hearing.

SEPTEMBER 1, 1971.

SCOPE OF APPLICANTS' ENVIRONMENTAL REPORTS WITH RESPECT TO TRANSPORTATION, TRANSMISSION LINES, AND ACCIDENTS

In addition to information called for in the Draft AEC Guide to Preparation of Environmental Reports for Nuclear Power Plants, the Applicant's Environmental Report should deal with the following matters:

I. TRANSPORTATION

Transportation to and from the facility being licensed. In the licensing of nuclear power reactors, the Applicant's Environmental Report should describe, to the extent practicable, the environmental effects of the transportaion of fuel elements from the fuel fabrication plant to the reactor as well as the transportation of spent fuel elements from the reactor to the fuel reprocessing plant and the transportation of packaged radioactive material from the reactor to low level waste burial grounds. In the licensing of fuel reprocessing plants, the Applicant's Environmental Report should describe the environmental effects of the transportation of spent fuel to the plant and the transportation of high level and low level wastes from the plant to the location of storage or disposal offsite. This information should, to the extent practicable, include the method of transport (i.e., rail, highway, or water) to and from the facility being licensed; anticipated frequency of each type of shipment; and the type of transport containers for each type of shipment.

II. TRANSMISSION LINES

In the licensing of nuclear power reactors, the Applicant's Environmental Report should contain a general description of the environmental effects of transmission lines whose construction is necessitated by the additional electric power to be supplied from the reactor. In general, such transmission lines will include lines running from the reactor to the location where the new line feeds into a substation, major existing grid, or other existing systems. The Applicant should also identify any authorizations or approvals obtained from Federal, regional, State and local authorities.

III. ACCIDENTS

Postulated accidents are discussed in another context in Applicants' Safety Analysis Reports. The principal line of defense is accident prevention through correct design, manufacture, and operation, and a quality assurance program is used to provide and maintain the necessary high integrity of the reactor system. Deviations that may occur are handled by protective systems to place and hold the plant in a safe condition. Notwithstanding all this, the conservative postulation is made that serious accidents might occur, in spite of the fact that they are extremely unlikely, and engineered safety features are installed to mitigate the consequences of these unlikely postulated events.

In the consideration of the environmental risks due to postulated accidents, the probabilities of their occurrence and their consequences must both be taken into account. It is not practicable to consider all possible accidents, so the spectrum of accidents, ranging in severity from trivial to very serious, is divided into classes in the attached table. Each class can be characterized by an occurrence rate and a set of consequences. Ideally, the classes would be small and homogeneous; practically, each of the classes in the table includes events with different probabilities and consequences. Using typical or average characteristics for each class is nevertheless satisfactory, since occurrences of greater or less severity are covered in other classes.

For each class except Classes 1 and 9, the environmental consequences should be evaluated using assumptions as realistic as the state of knowledge permits. Those classes found to have significant adverse environmental effects should be evaluated as to probability, or frequency of occurrence, to enable estimates to be made of environmental risk or cost arising from accidents of the given class.

Class 1 events need not be considered because of their trivial consequences.

Class 8 events are the ones considered in Safety Analysis Reports and Safety Evaluations. They are used, together with highly conservative assumptions, as the design-basis events to establish the performance requirements of engineered safety features. The highly conservative assumptions and calculations legitimately used for safety evaluations are not suitable for environmental risk evaluation, because the probability of occurrence is so low for the unfavorable combinations of circumstances used. For this reason, Class 8 events are to be evaluated realistically, and will have consequences predicted in this way that are far less severe than those given for the same events in Safety Analysis Reports, using conservative evaluations.

The occurrences in Class 9 involve sequences of postulated successive failures more severe than those postulated for the design-basis for protection systems and engineered safety features. Their consequences could be severe. However, the probability of their occurrence is so small that their environmental risk is extremely low. Defense in depth (multiple physical barriers), quality assurance for design, manufacture, and operation, continued surveillance and testing, and conservative design are all applied to provide and maintain the required high degree of assurance that potential accidents in this class are, and will remain, sufficiently remote in probability that the environmental risk is extremely low. For these reasons it is not necessary to discuss them in Applicants' Environmental Reports.

TABLE.—*Classification of postulated accidents and occurrences*

No. of class, description, and example(s)

1. Trivial Incidents: Small spills, Small leaks inside containment.

2. Misc. Small Releases Outside Containment: Spills, Leaks and pipe breaks.

3. Radwaste System Failures: Equipment failure, Serious malfunction or human error.

4. Events that release radioactivity into the primary system: Fuel failures during normal operation. Transients outside expected range of variables.

5. Events that release radioactivity into secondary system: Class 4 & Heat Exchanger Leak.

6. Refueling accidents inside containment: Drop fuel element, Drop heavy object onto fuel. Mechanical malfunction or loss of cooling in transfer tube.

7. Accidents to spent fuel outside containment: Drop fuel element, Drop heavy object onto fuel. Drop shielding cask—loss of cooling to cask. Transportation incident *on site.*

8. Accident initiation events considered in design-basis evaluation in the Safety Analysis Report: Reactivity transient; Rupture of primary piping, Flow decrease—Steamline break.

9. Hypothetical sequences of failures more severe than Class 8: Successive failures of multiple barriers normally provided and maintained.

SOURCE FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from NTIS rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Ave., N.W., Washington, D.C. 20036. Envelopes bearing orders should be marked "Document Service." The Institute charges $0.10 per page. The number of pages is indicated at the end of each summary in the *Monitor,* as well as an order number. Please enclose the correct amount of money with your order. It is not necessary to be a subscriber to the *Environmental Law Reporter,* available from the Institute for $50.00 per year, to take advantage of this service.

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the *Congressional Record.* You may wish to order these *Congressional Records* from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 and 3: Congressional Record—April 28 (Extension of Remarks), page E3607.

Vol. 1, No. 4: Congressional Record—May 27 (Extension of Remarks), page E5151.

Vol. 1, No. 5: Congressional Record—June 16 (Extension of Remarks), page E6023.

Vol. 1, No. 6: Congressional Record—July 28 (Extension of Remarks), page E8458.

On the following pages are environmental impact statements received by the Council from August 1 through August 30, 1971. (The listing of statements by agency is in a different alphabetical order.)

Note: at the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388–7803.

Agricultural Research Service

Final

Title, description, and date

Pilot Boll Weevil eradication experiment. *Mississippi Area.* Trial eradication program will be undertaken this year and will consist of a series of population suppression techniques (cultural, insecticides, defoliants, sterile male release, etc.), integrated into a season-long control effort. Involves 4,000 acres of cotton. (ELR Order #PB–201 861–F) 8/17.

Consumer and Marketing Service

Final

Title, description, and date

Regulation for the Egg Products Inspection Act. Signed by the President 12/29/70. Provides for mandatory inspection of egg products in interstate, and foreign commerce, etc. Comments made by EPA. (ELR Order #PB–202 151–F) 8/23.

Forest service

Final

Title, description, and date

Washakie Wilderness, Shoshone National Forest, *Wyoming.* Proposal recommends that 189,024 acres of the Stratified Primitive Area in the Shoshone National Forest, Wyoming and 7,366 contiguous acres be designated as Wilderness by Act of Congress and be added to the National Wilderness Preservation System. Also the South Absaroka Wilderness, (483,130) be combined with this area. Total acreage would be 679,520 acres and would be called Washakie Wilderness, Shoshone National Forest. Comments made by USDA, FPC, DOI, FAA, various State of Wyoming agencies. No draft statement received. (ELR Order #413, 76 pages) (NTIS Order #PB–201 677–F) 8/4.

Flat Tops Wilderness, Routt and White River National Forests, *Colorado.* USDA proposes that a total of 142,230 acres be classified and added to the National Wilderness Preservation System (99,489 acres are part of the Flat Tops Primitive Area) and 2,635 acres be declassified because they do not meet the minimum criteria of wilderness or need minor boundary adjustments. Comments made by USDA, COMMERCE, DOD, HEW, DOI, DOT, FPC, State of Colorado, County Commissioners of Rio Blanco County, Colorado. No draft statement received. (ELR Order #504, 98 pages) (NTIS Order #PB–201 862–F) 8/13.

Council Bluff Reservoir Project: Clark National Forest, Iron County, *Missouri.* Involves turning a free-flowing stream into a reservoir. 175 acres of timber will be cleared. Timber and other debris not sold will be burned. 440 acres of upland game habitat will be inundated. Purpose: recreation. Comments made by DOI, EPA, ARMY: COE, State-Inter Agency Council for Outdoor Recreation, Missouri Water Resources Board. (ELR Order #501, 20 pages) (NTIS Order #PB–201 863–F) 8/17.

Rural Electrification Administration

Draft

Title, description, and date

Transmission line between Beaver Creek, Colorado and Wray, Colorado. Statement relates to application of Tri-State Generation and Transmission Association, Inc. (Tri-State) for a change-of-purpose of $3,088,000 of loan funds (together with general funds) for use in constructing 77 miles of 230 kV transmission line. This line will be integrated into the interconnected transmission systems of the Bureau of Reclamation, Tri-State and the Public Svs. Co. of Colorado. In addition, a new switching station will be constructed at Beaver Creek and a substation addition at Wray. Purpose: expand service to meet consumers' requirements. (ELR Order No 520, 37 pages) NTIS Order No. PB201 993–D) August 14.

Soil Conservation Service

Draft

Title, description, and date

Oolenoy River Watershed Project, Pickens County, South Carolina. Involves installing 6 floodwater-retarding structures, one multiple-purpose flood prevention and recreation reservoir with supporting recreation facilities, 7 miles of channel improvement, 115 acres of stabilization and conservation land treatment throughout the entire watershed. Purpose: reduce erosion, reduce flood water damages on 1,080 acres, etc. (ELR Order No. 431, 13 pages) (NTIS Order No. PB–201 687–D) August 4.

Dividing Creek Watershed, Wicomico Worcester, Somerset Counties, *Maryland.* Involves conservation land treatment (drainage mains and laterals, ditch bank seeding, etc.) supplemented by approximately 87 miles of channel improvement. Purpose: reduce flood damage, improve condition of soil. Changes in wildlife ecology due to partial drainage of 30 acres of wooded swamp. (ELR Order #478, 15 pages) (NTIS Order #PB–201 761–D) 8/4.

Boxelder Creek Watershed, *Colorado.* Project located in Larimer and Weld Counties, *Colorado* and Albany and Laramie Counties, *Wyoming.* Involves installation of conservation land treatment throughout the watershed supplemented by five floodwater-retarding structures and one stabilization structure. Sediment and flood water-retarding pools will periodically inundate about 4.2 miles of intermittent stream channels. About .6 mile of rangeland will be used to construct dams and spillways. Purpose: reduce flood damages, reduce sedimentation in irrigation reservoirs, etc. (ELR Order #554, 8 pages) (NTIS Order #PB–202 072–D) 8/18.

Final

Title description, and date

Starkweather Watershed project, North Central *North Dakota.* Involves conservation land treatment of 79,760 acres during 8-year period and channel improvement for 60.6 miles including 4 grade stabilization structures. 75% of certain types of wetlands to be maintained. Purpose: flood prevention and agricultural water management. Comments made by ARMY:COE, DOI, HEW, Governor of North Dakota and north Dakota Dept. of Health. No draft statement received. (ELR Order #617, 9 pages) (NTIS Order #PB–202 150–F) 8/23.

Guadalupe Watershed Project, Maricopa County, *Arizona.* Includes plans for a dam, the Guadalupe Diversion and an outlet pipeline. About 42.9 acres of native vegetation will be destroyed. Comments made by EPA, DOI, DOT, Various State of Arizona agencies. (ELR Order #474, 10 pages) (NTIS Order #PB–199 141–F) 8/6.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545 (202) 973–5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545 (202) 973–7531.

Final

Title, description, and date

Radioactive Waste Repository, Lyons, *Kansas.* Final sent 6/4, this is a supplement to the final. Includes an addition to the bibliography referencing testimony before the subcommittee on Public Works of the House Committee on Appropriations and the exchange of correspondence between the Commission and Representative Joe Skubitz, 5th district, Kansas. (ELR Order No. 531, 102 pages) (NTIS Order No. PB–202 120–F 8/18.

Note: This supplement and the final statement will be sold as one document by NTIS at a cost of $6.00.

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230 (202) 967–4335.

Economic Development Administration

Final

Title, description, and date

Financial grant assistance for development of an industrial park, Swinomish Indian Reservation, Skagit County, *Washington.* Involves two phases: (1) dredging and filling operations, changing land use, etc., and (2) occupying the site with industrial facilities and monitoring/controlling waste discharges. Purpose: to provide long term employment for members of the Swinomish Tribal community and residents of Skagit County. Comments made by HEW, USDA, DOD:COE, COMMERCE, North West Air Pollution Authority, various State of Washington agencies. (ELR Order #599, 52 pages) (NTIS Order #PB–199 871–F) 8/26.

DEPARTMENT OF DEFENSE—DEPARTMENT OF AIR FORCE

Contact: Colonel Whitehead, Room 5E 425—The Pentagon, Washington, D.C. 20330. (202) 697–1147.

Draft

Title, description, and date

Development and testing of 3 flight-test B–1 aircraft, a high subsonic low altitude penetrator (⅔ size of B–52). Plane will be capable of supersonic speed at high altitude. First flight is scheduled for April 1974, with a decision to enter into production about 12 months later. Describes measures being developed to lessen noise and air pollution. (ELR Order #365, 33 pages) (NTIS Order #PB–201 711–D) 7/30.

Development of the F–15 aircraft. A single-place, fixed-wing, twin-turbofan fighter in the 40,000 pound weight class. Capable of speed in excess of Mach 2. Plans are for a first flight in 1972, with in initial operational capability in the mid-1970's. The F–15 is in the advanced development stage, it will fill the Air Force's need for an "Air Superiority Fighter." (ELR Order #366, 34 pages) (NTIS Order #PB–201 710–D) 7/30.

DEPARTMENT OF ARMY—OFFICE OF THE SECRETARY

Contact: Colonel Wm. T. Gardiner, Chief of Construction Division, Office, Deputy Chief of Staff for Logistics, Washington, D.C. (202) 694–4380.

Draft

Title, description, and date

Airfield Complex, Phase I, Fort Campbell, *Kentucky.* Involves construction of 4 maintenance hangars for a total of 149,972 square feet, a direct support hangar of 32,400 square feet and a natural gas-fired central heating plant. Purpose: provide permanent maintenance and operational support for 62 helicopters. (ELR Order #577, 5 pages) (NTIS Order #PB–202 080–D) 8/16.

DEPARTMENT OF DEFENSE—DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office—Office, Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693–6329.

For the readers convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title, description, and date

Chena River Lakes flood control project, Fairbanks, *Alaska.* Construction of two earth-fill dams on the Chena and Little Chena Rivers and also construction of a levee system on the Tanana River. Project will impound 2 miles of free-flowing stream habitat and will inundate 10,000 acres of marsh and stream habitat during peak flood levels. Pur-

pose: provide protection from flooding, recreation, etc. (ELR Order # 325, 27 pages) (NTIS Order # PB-201 532-D) 7/23.

Gillham Lake, Howard, Polk & Sevier Counties, *Arkansas*. Remaining work on this dam and lake project involves completing the embankment, clearing the reservoir area and constructing recreation facilities. Purpose: flood control, water supply, water quality, etc. NOTE: in connection with current litigation on this project, work has been stopped and a complete reassessment of environmental effects and alternatives has been undertaken. Consequently, this is a *new* environmental statement that will eventually supersede the final statement transmitted to CEQ on 1/21/71. (ELR Order # 605, well over 400 pages) (NTIS Order # PB-202 134-D) 8/26.

Lower Klamath River flood control project, Del Norte County, *California*. Flood control measures for the lower Klamath River involve: (1) a levee around the town of Klamath California (completed Nov. 1968). (2) a similar levee system surrounding the town of Klamath Glen, California, presently under construction, and (3) bank protection on the north bank along a two mile reach beginning at the mouth of the River (contract to be awarded in August). (ELR Order # 348, 8 pages) (NTIS Order # PB-201 519-D) 7/29.

Flood protection project, Waterloo, *Iowa*. Consists of construction 15 miles of earthen levees and 2 miles of concrete floodwalls, a small dam and detention reservoir, deepening and widening Cedar River channel, etc. Purpose: provide protection to Waterloo from the flooding of Cedar River, Black Hawk Creek and Verden Creek. (ELR Order #487, 17 pages) (NTIS Order #PB-201 850-D) 8/5.

Fort Scott Lake, Marmaton River, *Kansas*. Initiate construction upon receipt of funds of a dam and lake in Bourbon County. The lake will inundate 5,000 acres of land and eliminate 25 miles of Marmaton River. Purpose: flood control, water quality control, etc. (ELR Order #349, 8 pages) (NTIS Order #PB-201 520-D) 7/29.

Pearl River navigation project, *Mississippi* and *Louisiana*. Consists of working on existing navigation project by the construction of cutoff channels and easement of bends at 8 locations in the River. Located in St. Tammary Parish, Louisiana. Purpose: reduce navigation difficulties and shorten navigation channel 3.6 miles. (ELR Order #592, 5 pages) (NTIS Order #PB-202 074-D) 8/20.

Long Branch Lake, East Fork, Little Chariton River, *Missouri*. Initiate construction upon receipt of funds of an earthfill dam and lake in Macon County. The lake would inundate 2,430 acres of land and eliminate 14 miles of the East Fork of Little Chariton River and associated habitat. Purpose: flood protection, water quality control, etc. (ELR Order #347, 7 pages) (NTIS Order #PB-201 518-D) 7/29.

Chesapeake Bay Hydraulic Model, Matapeake, *Maryland*. Construction of a shelter to house a hydraulic model and technical center with attendant parking facilities. Site is located on Maryland Rte. 8, about 3 miles south of the eastern terminus of the William Presta Bridge. Will cover about 14.5 acres of land. Purpose: to serve as a tool in a comprehensive examination of present and predicted land and water use patterns in Chesapeake Bay and its tributaries. (ELR Order #324, 31 pages) (NTIS Order #PB-201 531-D) 7/23.

Zumbro River, Wabasha County, *Minnesota*. Channel modification work on 3 miles of river from Kellog to mouth of River. Involves enlarging, constructing of new channels and clearing of streamside trees, brush, etc. Will change or eliminate about 1.3 miles of existing stream. Purpose: provide flood protection. (ELR Order #481, 16 pages) (NTIS Order #PB-201 851-D) 8/6.

Buffalo Creek channel improvement project, Meadow Grove, *Nebraska*. Enlarging and straightening 5,700 feet of natural channel. Purpose: provide flood protection to village of Meadow Grove. (ELR Order # 593, 12 pages) (NTIS Order # PB-202 081-D) 8/20.

Battery Park City Authority bulkhead and fill project, Hudson River, *New York*. The Battery Park City Authority requests approval of plans of bulkhead and fill to be placed in Hudson River between Battery and Reade Street, extending about 600 to 950 ft. offshore. Involves demolition of old Marine structures and dredging of silts and sediments from the river bottom, etc. Purpose: create land (90 acres) to be occupied by low and middle income and conventional housing, office buildings, commercial facilities, open recreational spaces, etc. (ELR Order # 584, 29 pages) (NTIS Order # PB-202 086-D) 8/18.

Manitowoc Harbor, Manitowoc City and County, *Wisconsin*. Project provides for extension of the channel upstream in the Manitowoc River for a distance of 720 feet at a depth of 12 feet to within 50 feet of the existing shore structures. Purpose: improve light-draft commercial and recreational navigation. (ELR Order # 494, 8 pages) (NTIS Order # PB-201 843-D) 8/10.

Modifications for peaking, The Dalles to Vancouver, Columbia River, *Oregon* and *Washington*. This project to provide more efficient use of the hydroelectric potential of Columbia River, involves installing 8 new generating units at the Dalles Dam powerhouse, modifications to the margins of the Bonneville Reservoir to enable larger and faster changes of pool elevation, more flexible spillway operation, etc. Will result in loss of spawning areas and of some fur bearers during whelping season. (ELR Order # 610, 55 pages) (NTIS Order # PB-202 133-D) 8/17.

Second Powerhouse, Bonneville Lock and Dam, Columbia River, *Oregon* and *Washington*. Construction of an 8-unit second powerhouse on the Columbia River at the Bonneville project. Excavation for powerhouse will total 18 million cubic yards of soil, etc. and 20 thousand cubic yards of rocks. Material not used for backfill will be placed on a low elevation area lying on the Washington shore (400 to 600 acres). Will necessitate the removal of the town of North Bonneville. Purpose: increase electrical energy production for the Pacific Northwest power system. (ELR Order No. 612, 31 pages) (NTIS Order No. PB-202 125-D) 8/20.

Final

Title description, and date

Baldwin and Hannon Sloughs, *Alabama*, River Basin. Project consists of clearing and snagging 1.3 miles of Baldwin Slough and straightening and enlarging 2.5 miles of Hannon Slough Channel. Purpose: provide flood protection for 1,022 acres of Montgomery. Comments made by DOI, EPA, DOT, and Alabama Development Office. (ELR Order No. 557, 23 pages) (NTIS Order No. PB-200 023-F) 8/20.

Danbury flood protection project, Still River, Danbury, *Connecticut*. Construction of a 3,625 foot long concrete channel and a 2,695 foot long riprapped trapezoidal channel. In areas where river will be relocated, the natural channel will be filled in with material from the new channel. Purpose: flood protection. Comments made by DOI, Various State and local agencies of Connecticut. No draft statement received. (ELR Order No. 426, 5 pages) (NTIS Order No. PB-201 675-F) 8/11.

Grand Lagoon Navigation Project, *Florida*. Consists of dredging a channel (8 ft. x 100 ft) from Panama City Ship Channel to a point near the bridge over Grand Lagoon. From this point 2 branch channels with a connecting channel at the West terminals will be constructed. Dredged material will be deposited along Gulf Beach, forming large berms. Purpose: to accommodate a large number of recreational vessels. Comments made by HUD, DOT, EPA, DOI. (ELR Order No. 572, 25 pages) (NTIS Order No. PB-199 874-F) 8/23.

Lafayette Lake-Wildcat Creek, Wabash River Basin, *Indiana*. Multipurpose reservoir project consisting of damsite 7.2 miles upstream from the mouth of Wildcat Creek with resulting impoundment located in Tippecanoe, Clinton and Carrol Counties. Purpose: flood control, water quality control, etc. 21 miles of free-flowing stream and natural stream habitat will be inundated and 2,400 acres of woodland will be lost. Comments made by USDA, EPA, DOI, various State of Indiana agencies. No draft statement received. (ELR Order # 546, 26 pages) (NTIS Order # PB-202 057-F) 8/20.

Ohio River, Dayton, *Kentucky* (flood protection project). Project consists of constructing an earthen levee, a concrete wall and associated interior drainage facilities. Purpose: provide flood protection for about 140 acres of urban development in the flood plain. Would obstruct the view of the Ohio River. Comments made by DOI, EPA, Various State of Kentucky agencies. No draft statement received. (ELR Order # 423, 24 pages) (NTIS Order # PB-201 673-F3 8/11.

Paintsville Lake, Paint Creek, Big Sandy River Basin, Johnson County, *Kentucky*. Construction and operation of a dam and other facilities which will regulate the runoff from a 92.5 square mile watershed. Purpose: provide water storage which will be used for water quality control, recreation and flood control. Will require clearing 1,139 acres (450 acres are forest land). Comments made by USDA, DOI, EPA, Various Commonwealth of Kentucky agencies. No draft statement received. (ELR Order # 565, 30 pages) (NTIS Order # PB-202 058-F) 8/19.

Great Falls flood control project, Sun River, *Montana*. Involves about 10 miles of levees, 1⅛ miles of interceptor ditches, channel rectification, appurtenant work, etc. Levee construction will reduce tree cover along Sun River, Comments made by DOI, and Various State of Montana agencies. (ELR Order # 558, 23 pages) (NTIS Order # PB-198 918-F) 8/19.

Port Jefferson Harbor Navigation Project: Suffolk County, *New York*. Involves hydraulic dredging of a channel from deep water in the Long Island Sound to the head of the harbor and a turning basin. Purpose: to allow larger vessels to carry in petroleum, etc. Comments made by DOI, EPA, USDA, DOT, and various State of New York agencies, Towns of Brookhaven and Port Jefferson and concerned citizens. (ELR Order #588, 39 pages) (NTIS Order #PB-199 137-F). 8/23.

Drum Inlet navigation project: *North Carolina*. Includes dredging an ocean bar channel 150 feet wide and 9 feet deep below mean low water, restoring an existing connecting channel in Core Sound, etc. Purpose: to provide a safe passage through inlet for commercial-fishing, sport-fishing and recreational vessels. Comments made by USDA, EPA, DOI, and various State of North Carolina agencies. (ELR Order #556, 28 pages) (NTIS Order #PB-199 253-F). 8/19.

Red River of the North at Pembina, *North Dakota*. Involves construction of levees, floodwalls, interior drainage facilities and initiating floodplain management measures. Purpose: improve and supplement existing flood protection measures in Pembina. Comments made by DOI, USDA, HEW, North Dakota State Water Commission. No draft statement received. (ELR Order #428, 25 pages) NTIS Order #PB-201 674-F). 8/11.

Lower Branch Rush River, Cass County, *North Dakota*. Channel enlargement and straightening of 17.3 miles of Lower Branch Rush River and work on 7.5 miles of its southern tributary. Purpose: flood protection for farm land. Comments made by EPA,

DOI, Various State of North Dakota agencies. No draft statement received. (ELR Order #425, 21 pages) NTIS Order #PB-201 676-F). 8/11.

Open Channel work, Ohio River, *Pennsylvania, West Virginia, Ohio, Kentucky, Indiana* and *Illinois*. An annual program which consists mainly of removing obstructive bars or shoals and widening or deepening the channel within the various navigation pools, to authorized depth of 9 ft. Purpose: permit continued operation of water oriented industrial facilities. Comments made by EPA, DOT, DOI, USDA. Various agencies from the States listed above. No draft statement received. (ELR Order #559, 49 pages) (NTIS Order #PB-202 065-F) 8/19.

Cascadia Lake, Santiam River Basin project, Linn County, *Oregon*. Rock fill embankment dam and a lake 10 miles in length behind it. Purpose: flood control, navigation, irrigation and downstream power generation. Would result in loss of 10 miles of free-flowing stream and anadromous fish spawning area. Comments made by USDA, DOI, COMMERCE, EPA, Various State of Oregon agencies. (ELR Order #427, 51 pages) (NTIS Order #PB-201 672-F) 8/11.

Highland Bayou, *Texas*. Enlargement and rectification of the natural bayou channel and diversion of flows from the upper part of the watershed through an artificial channel. Construction of an earthen dam and excavation of a diversion channel. Comments made by DOI, EPA, USDA, COMMERCE, Various State of Texas agencies. Purpose: flood control. (ELR Order #437, 43 pages) (NTIS Order #PB-201 790-F) 8/11.

Ice Harbor additional generating units, Lake Sacapawea, *Washington*. Installation of 3 additional generating units at this project on the Snake River. Purpose: to meet high power demands during peak times. Comments made by DOI, FPC, COMMERCE, EPA, DOT, Various State of Washington agencies and Idaho Fish and Game Dept. (ELR Order 560, 40 pages) (NTIS Order #PB-202 069-F) 8/19.

Burnsville Lake, Little Kanawha River, *West Virginia*. Construction and operation of a dam and other facilities. Dam will be located on the Little Kanawha River, 124.2 miles upstream from its confluence with the Ohio River, in Braxton County, West Virginia. Purpose: flood control, recreation, water quality control, etc. A reach of natural stream will be lost. Comments made by USDA, DOI, HEW, Various State of West Virginia agencies. No draft statement received. (ELR Order # 566, 38 pages) (NTIS Order # PB-202 056-F) 8/19.

Paint Creek, Pax, *West Virginia*. Snagging and clearing project. Banks would be stripped of trees, underbrush, and channel cleared of debris, snags, underbrush for 20,900 feet. Purpose: to reduce flooding at Pax. Comments made by DOI, EPA, USDA, Town of Pax, Various State of West Virginia agencies. (ELR Order # 424, 17 pages) (NTIS Order # PB-201 671-F) 8/11.

DEPARTMENT OF DEFENSE—DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697-0892.

Draft

Title, description, and date

Naval Station, Norfolk, *Virginia*. Acquisition of 508 acres of railroad yard facilities at Sewell's Point, Norfolk, Virginia. Removal of marginal, base-dependent business will be followed by eventual construction of administrative storage/supply and waterfront facilities. Purpose: to increase efficiency and fleet readiness. (ELR Order # 512, 13 pages) (NTIS Order # PB-201 855-D) 8/16.

Ammunition Pier, P-500, Sella Bay, *Guam*, Mariana Islands. Relocation of ammunition ship loading/unloading from Apra Harbor, Guam to Sella Bay, Guam for purposes of explosive safety. Relocation involves construction of a 350 foot by 700 foot pier with navigational aids etc. and acquisition of 845 acres of privately owned land and 2,875 acres of Government of Guam land within a 10,400 radius of the proposed pier as an explosive safety zone. (ELR Order # 602, 93 page.) (NTIS Order # PB-202 138-D) 8/26.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. George Marienthal, Acting Director of Environmental Impact Statements Office, 1129 20th Street—Room 608, Washington, D.C. 254-6806.

Draft

Title, description, and date

Proposed waste treatment project, Col. 261, Greeley, *Colorado*. EPA project involves relocating a substantial portion of the present system capacity, 5 miles east of the city. Construction consists of 4 anaerobic lagoons, 2 aerated ponds etc. Purpose: initial effort to centralize treatment facilities for the drainage basin. (NTIS Order #PB-201 386-D) (ELR Order #322, 8 pages) 7/29.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C., 20426, (202) 386-6084.

Draft

Title, description, and date

Distrigas Corporation (Docket No. CP70-196) seeks authorization to import liquefied natural gas (LNG) into the United States from Algeria. Proposes delivery of 14 ship loads of LNG per year over a 20-year period at Everett, *Massachusetts* and Staten Island, *New York*. Construction at these two sites involves dredging of docking areas and clearing of suitable sites for terminal facilities. In addition, Distrigas proposes to construct a 30,000 barrel cryogenic barge at a cost of approproximately $2.5 million. (ELR Order No. 510, 13 pages) (NTIS Order No. PB-201 854-D) 8/12.

Following companies have applied for authorization to import liquefied natural gas (LNG) into United States from Algeria. Columbia LNG Corporation (Docket No. CP-71-68, CP71-289); Consolidated Gas Supply Corporation (Docket No. CP71-153; Consolidated System LNG Company (Docket No. CP71-298, CP71-290); Southern Energy Company (Docket No. CP71-151, CP71-264); and So. Natural Gas Com. (Docket No. CP-71-276). Construction at the 2 selected sites: Cove Point, *Maryland* and Savannah, *Georgia*. Involves dredging of docking areas and the clearing of suitable sites for terminal facilities. Pipeline construction at both locations will total approximately 391 miles and will require 5 river crossings, the traversing of state owned land, approximately 4 miles of a national wildlife refuge and a national park. A 5,900 foot unloading pier will be constructed into the Chesapeake Bay at Cove Point and a ship turning basin will be required in the Savannah River. (ELR Order No. 515, 17 pages) (NTIS Order No. PB-201 853-D) 8/17.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-AD, (202) 343-4161.

Draft

Title, description, and date

Disposal of approximately 425.75 acres of land, comprising a portion of Government-owned property known as Fort Lawton Military Reservation, Seattle, *Washington*. Proposes to assign property to Interior for public park and recreation use subject to consideration of HEW's request for a portion of it (ELR Order No. 335, 16 pages) (NTIS Order No. PB-201 526-D) 7/30.

Disposal of a portion of Camp San Luis Obispo, San Luis Obispo County, *California*. (Approximately 1909.19 acres) 47 acres for school purposes by negotiated sale. 289.46 for park and recreation use. 1,572.73 acres to public by sealed bid sale. (ELR Order No. 334, 10 pages) (NTIS Order No. PB-201 525-D) 8/2.

Disposal of Pantex Sewage Effluent Holding Reservoir, Amarillo, *Texas*. Involves the negotiated sale of 1,077.1 acres of land to Carson County, Texas. This land upon which the Holding Reservoir is located, comprises a portion of the AEC's Pantex Ordnance Plant. (NTIS Order No. PB-201 569-D) (ELR Order No. 399, 7 pages) 8/5.

Final

Title, description, and date

Former US Naval Retraining Command, Camp Elliott, *California*. GSA proposes to dispose of 2,690.6 acres of this land as follows: 1) 219 acres to NASA (who will sell it to real estate investors in exchange for 55.5 acres adjacent to their Moffett Field facility), 2) exchange of 1,074.6 acres for 30,000 acres of land in Joshua Tree National Monument, 3) exchange of 169.9 acres with San Diego for a Federal office building site, 4) 730 acres to DOI for park and recreation use by San Diego, 5) sealed bid sale to public of 497 acres. Comments made by various State of California agencies and Congressman Bob Wilson. (ELR Order #336, 9 pages) (NTIS Order #PB-201 493-F), 7/30.

Disposal of approximately 322 acres of land and structures comprising a portion of the former Naval Measurement Station, Border Field, San Diego County, *California*. Will be used for park and recreation facilities. Comments made by EPA, DOI, various State of California agencies. (ELR Order #353, 20 pages) (NTIS Order #PB-201 502-F), 8/3.

Proposed sale of Upper Bethlehem, Fredensborg and Slob (247 acres) to the Government of the *Virgin Islands* for various purposes including housing and a commercial area. Comments made by HUD. (NTIS Order #PB-198 716-F) (ELR Order #381, 8 pages) 8/5.

Proposed negotiated sale of 143.014 acres (remainder of Bonne Esperance and Estate Slob, St. Croix) *Virgin Islands* to the Government for use as a park, cemetery, zoo, etc., Comments made by HUD. (NTIS Order #PB-201 585-F) (ELR Order #382, 7 pages), 8/5.

Disposal of Penitentiary Honor Farm No. 2: Panthersville, *Georgia*. Substantial part of this 579 acre farm will be conveyed to State and local public agencies for park, school and hospital uses. Comments made by HUD, EPA, DOI, ARMY:COE, HEW, DeKalb County and various State of Georgia agencies. (NTIS Order #PB-198 871-F) (ELR Order #422, 20 pages), 8/6.

Disposal of Red Bluff Air Force Station, Red Bluff *California*. Approximately 35.04 acres are involved of which small portion is to be assigned to FAA. The rest to be disposed of by sealed bids. Comments made by EPA, DOI. (NTIS Order No. PB-198 830-F) (ELR Order No. 480 7 pages) 8/13.

Disposal of a portion of AEC's Argonne National Laboratory, Argonne, *Illinois*. Plans to convey 2,040 acres and several buildings either to the State of Illinois or to DuPage County for park and recreation uses. Comments made by AEC, EPA, Northeastern Illinois Planning Commission, Office of the Governor and private citizens. (NTIS Order No. PB-201 871-F) (ELR Order No. 513, 55 pages) 8/17.

Disposal of 141 acres of Fort Snelling Hospital Reservation, St. Paul, *Minnesota*. Involves assigning this land to the Bureau of Outdoor Recreation for transfer to the State of Minnesota. Purpose: provide park and recreation. Fort Snelling is an historic landmark. Comments made by DOI, City of St. Paul, State of Minnesota. (NTIS Order No.

PB-200 786-F) (ELR Order No. 529, 11 pages) 8/18.

Disposal of the 119.11 acre tract of land comprising the former Castle Valley Job Corps Conservation Center, Price, *Utah*. Proposed sale of this land to Carbon County. The County plans to establish a light industry type industrial park on this land. Comments made by EPA, various State and local agencies of Utah and the Governor of Utah. (ELR Order No. 596, 15 pages) (NTIS Order No. PB 199 737-F) 8/26.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. George Wright, Environmental Clearance Office, Washington, D.C. 20410 (202) 382-2914.

Draft

Title, description, and date

New Community of Riverton, Monroe County, *New York*. Proposed HUD offer of commitment to guarantee up to $12 million for development over a 16 year period for a New Community in the Township of Henrietta (a small portion of land in Wheatland). New community comprises 2,350 acres and is planned for an ultimate population of about 25,600 residents in 8,010 dwelling units. 170 acres of commercial and community space will be provided. (ELR Order No. 321, 52 pages) (NTIS Order No. PB-201 391-D) 7/27.

Final

Title, description, and date

Legislative proposal to provide Federal insurance for lending institutions with respect to loans made to restore historic residential properties. It would permit coverage of loans at higher amounts and with longer terms than now authorized. Comments made by DOI, and the Advisory Council on Historic Preservation. (ELR Order No. 352, 5 pages) (NTIS Order No. PB-201 500-F) 7/30.

Legislative proposal: "Legacy of Park". It provides for the coordinated use of existing HUD and Interior open-space programs, and Federal Surplus Lands authority to increase the supply and variety of park and recreational resources, particularly to people in central cities and urban areas. It also provides for budget increases and amendments to the Land and Water Fund Conservation Act and Federal Property and Administrative Services. Comments made by GSA, DOI, OEO, USDA. (ELR Order No. 351, 19 pages) (NTIS Order No. PB-201 501-F) 7/30.

Auraria Urban Renewal Project: Denver, *Colorado*. Involves clearing approximately 173 acres near the central business district and developing a Higher Education Center. Extensive park and recreation spaces will be part of the Center. Purpose: to eliminate environmental deficiencies in area, such as noise, dirt and visual pollution. Project No. Colorado No.-24. Comments made by State of Colorado. (ELR Order No. 502, 11 pages) (NTIS Order No. PB-201 864-F) 8/13.

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343-6416.

Bureau of Land Management

Draft

Title, description, and date

Proposed Oil and Gas Lease Sale, Outer Continental Shelf, Gulf of Mexico. Lease sale consists of 86 tracts of submerged lands offshore Louisiana, Mississippi and Alabama. Would add 396,250 acres to the total 3,782,796 presently under Federal lease offshore *Louisiana*. 75 to 125 additional platforms and other structures may be necessary to develop these tracts. Also may require 40 new pipelines. (ELR Order #350, 66 pages) (NTIS Order #PB-201 517-D) 8/4.

Bureau of Reclamation

Draft

Title, description, and date

Crystal Dam, Curecanti Unit, Colorado River Storage Project, *Colorado*. Involves construction of a dam and reservoir, as well as a hydroelectric powerplant on the Gunnison River, 15 miles east of Montrose. Purpose: reduce high flows and provide minimum flows to enhance fishery habitat, increase public use of canyon area, provide revenues from sale of power, etc. Will channelize 8,000 feet of river and inundate a scenic area of Black Canyon and 6.5 miles of trout fishery. (ELR Order 552, 32 pages) (NTIS Order #PB 202 071-D) (This is a revised draft—1st draft sent March 4, 1971), 8/4.

Final

Title, description, and date

Cosumnes River Division, Central Valley, *California*. Plan for development for initial phase involves construction of 3 dams and reservoirs: Nashville on the main Cosumnes River; Aukum on the South Fork; and Pi Pi on Middle Fork. Purpose: irrigation, flood control, water supply, etc. About 25 miles of free flowing streams will be inundated, as well as historical and archeological sites. Comments made by DOT, Commerce, HUD, HEW, Army COE, USDA, EPA, various local and State of California agencies. (ELR Order #640, 63 pages) (NTIS Order #PB-202 185-F) 8/30.

Yolo County Flood Control and Water Conservation District Small Reclamation Project Act loan application, Woodland, *California*. Money would help build the Indian Valley project (a dam and reservoir) located on the North Fork of Cache Creek. About 4,000 acres of intermittent flowing stream and grazing land would be inundated. Three rare plant species may be endangered. Purpose: irrigation, flood control, etc. Comments made by EPA, Army COE, DOI and the Resources Agency of California. (ELR Order #639 30 pages) (NTIS Order #PB-202 184-F) 8/30.

Geological survey

Final

Title, description, and date

Installation of 2 more drilling and producing platforms on Federal oil and gas leases in the Santa Barbara Channel off California's coast. Statement covers Union Oil's Platform "C" and Sun Oil's Platform "Henry." The government has received bonus payments on these leases amounting to $99,798,032.00. There will be slots for 56 wells on "C" and for 30 wells on "Henry." The major possible adverse effects are pollution from an accidental oil spill, and visual unattractiveness. Platforms would remain for 10 to 50 years. Comments made by EPA, DOT, DOI, Army, City and County of Santa Barbara, various State of California agencies, oil companies, citizens and citizens groups such as GOO ("Get Oil Out"). (ELR Order #606, 175 pages) (NTIS Order #PB-198 979-F)

(Note a mistaken NTIS order # was given for the final statement on Exploratory Drilling Operations, Santa Barbara (pg. 36, Vol. 1 No. 7). The correct NTIS order # is: PB-201 549-F.) 8/27.

NATIONAL PARK SERVICE

Draft

Title, description and date

Proposed master plan for the orderly development of Carlsbad Caverns National Park, Eddy County, *New Mexico*. Park consists of 46 753 acres with visitation of 850,000 per year. Proposed action consists of a self-guiding system in caverns, road to the back country (6 mile nature loop and 15 mile road the length of the park), other road construction, etc. To be administered in conjunction with Guadalupe Mountains National Park. Purpose: provide a plan for management and development of park for future visitor use and preservation of area. (ELR Order #489, 10 pages (NTIS Order # PB-201 996-D)

Master plan for Guadalupe Mountains National Park, Culberson and Hudspeth Counties, *Texas*. Statement outlines the proposed development and management of the area for future visitor use, protection and preservation. Development includes operation of headquarters area, visitor center, tramway, trail network, etc. Administration of park and Carlsbad Caverns will be consolidated. Park consists of 77,500 acres. (ELR Order #490, 16 pages) (NTIS Order #PB-201 997-D) 8/16.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546 (202) 962-8107.

Draft

Title, description and date

Pioneer F/G Program. 6th and 7th of an ongoing series of planetary and interplanetary space exploration missions which will be launched by an Atlas Centaur Rocket from Cape Kennedy, *Florida* to the vicinity of the planet Jupiter in 1972 and 1973. Potential radiation hazard from fuel capsule under study. Purpose: to provide the 1st investigation of the interplanetary medium beyond Mars. (NTIS Order #PB-202 085-F) (ELR Order #579, 4 pages) 8/24.

Final

Title, description and date

Ames Research Center, Moffett Field, California. Description of the facility, its mission, and possible environmental impact. Work is done with radioactive isotopes, toxic chemicals, etc., that are disposed of by a contractor. Exhaust from arc jets, sawdust accumulation in the carpenter shop and noise from the wind tunnel are mentioned. (NTIS Order #PB 202 055-F) (ELR Order #567, 26 pages.) 8/17.

Flight Research Center, Edwards, *California*. Description of facility and its environmental impact. Conduct liquid and solid propellant research. Noise from jets and rockets, sonic booms, air pollution from exhaust gases are potential environmental effects. (NTIS Order #PB 202 054-F4 (ELR Order #568, 9 pages) 8/17.

Lewis Research Center, Cleveland and Plum Brook, Stations. *Ohio*. Covers the impact of these facilities on the environment (how they dispose of radioactive wastes, etc.) as well as describing their work in pollution control and other areas. No adverse comments received. (NTIS Order #PB 202 052-F) (ELR Order #570, 25 pages) 8/17.

Langley Field Research Center, Langley Field, *Virginia*. Description of the Center and its mission as well as its impact on the environment. (Explains how radioactive waste is disposed of, etc., and environmental control projects submitted for inclusion in the FY '72 budget. (NTIS Order No. PB 202 053-F) (ELR Order No. 569, 47 pages) 8/17.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development (615) 755-2002.

Draft

Title, description and date

Shelby 500 kV substation and transmission line connections. Construction of a 500 kV substation with interconnecting lines in eastern and northeastern portions of Shelby County and the central portion of Tipton County, *Tennessee*. Involves some 43 miles of

transmission lines. Purpose: to provide adequate transmission facilities to supply summer 1972 electric requirements for consumers in Covington, Tennessee area. (NTIS Order No. PB–201 385–D) (ELR Order No. 323, 10 pages) 7/28.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,* Director, Office of Program Co-ordination, 400 7th Street, S.W., Washington, D.C. 20590, (202) 462–4357.

For the readers convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, and description and date

Autauge County Airport, Prattville, *Alabama*. Construction of a General Aviation Airport to accommodate propellor aircraft under 12,500 pounds. Requires use of 55 acres of land for airport. (ELR Order #375, 16 pages) (NTIS Order #PB–201 580–D), 8/3.

Morton Municipal Airport, Tuskegee, Macon County, *Alabama*. Land acquisition for airport development and clear zones, construct mark and light runway, etc. Purpose: accommodate propeller and business jet aircraft. (ELR Order #591, 32 pages) (NTIS Order #PB–201 401–D), 8/22.

Fairhope Municipal Airport, Baldwin County, *Alabama*. Involves land acquisition, runway extension, power line relocation, etc. (ELR Order #586, 10 pages) (NTIS Order #PB–202 088–D) 8/22.

Chignik Lake, *Alaska*. Construction of new landing strip, aprons, taxiways etc. Purpose: provide a utility airport to serve both commercial carriers and general aviation traffic. (ELR Order #302, 7 pages) (NTIS Order #PB–201 401–D), 7/27.

Dillingham Airport project, Dillingham, *Alaska*. Involves land acquisition, extending and widening runway, installing a new lighting system, relocating a road, etc. (ELR Order No. 338, 60 pages) (NITS Order No. PB–201 523–D) 7/30.

Chandler Municipal Airport, Chandler, *Arizona*. Involves extending runway, taxiway, paving access road, etc. Will result in shift in traffic pattern. (ELR Order No. 377, 15 pages) (NTIS Order No. PB–201 578–D) 8/3.

Thompson-Robbins Field Airport Project, Phillips County Helena-West Helena, *Arkansas*. Acquisition of land for airport development and clear zone at northwest corner of existing airport, overlaying and extending N/S runway, etc. Purpose: accommodate jet powered aircraft and larger aircraft. (ELR Order No. 363, 15 pages (NTIS Order No. PB–201 521–D) 8/3.

Santa Barbara Municipal Airport Project, Santa Barbara, *California*. Involves constructing a portion of a parallel taxiway to serve the main instrument runway at the Municipal Airport and installation of lights. A portion of this taxiway will be constructed on the edge of a tidal lagoon, which is a haven for birds and other small wildlife known as the Goleta Slough. (ELR Order 300, 85 pages) (NTIS Order No. PB–201 533–D) 7/27.

Liberty County Airport project, Hinesville, *Georgia*. Involves extending and widening runway, installation of medium intensity lighting system, etc. 12 acres of clearing will be necessary for project. Purpose: accommodate 60% of the business jet fleet. (ELR Order 401, 19 pages) (NTIS Order No. PB–201 691–D) 8/5.

Waterloo Municipal Airport Project, Black Hawk County, *Iowa*. Extension of existing runway, connecting taxiway, and strengthening of taxiways, etc. Purpose: to accommodate the Boeing 727–200 aircraft. (ELR Order No. 435, 17 pages) (NTIS Order No. PB–201 686–D) 8/9.

Fort Dodge Municipal Airport Project, Webster County, *Iowa*. Construction of a new asphalt runway, widening and overlaying of existing taxiways, etc. Purpose: accommodate jet aircraft. (ELR Order 439, 59 pages) (NTIS Order No. PB–201 767–D) 8/9.

Lafayette Airport, Lafayette, *Louisiana*. Involves construction of a new runway and taxiways, relocation of communication towers etc. (ELR Order 378, 21 pages) (NTIS Order # PB–201 577–D) 8/4.

Ohio State University Airport, Franklin County, *Ohio*. Involves extending and paving E/W runway, etc. (ELR Order # 433, 15 pages) (NTIS Order # PB–201 706–D) 8/9.

Andrews County Airport Project, Andrews, *Texas*. Involves extending runway, acquisition of land for clear zone, etc. Purpose: enable larger aircraft to use airport. (ELR Order # 379, 14 pages) (NTIS Order # PB–201 576–D) 8/4.

Tooele Valley Municipal Airport, Tooele County, *Utah*. Construction of an air cargo airport with a 10,000′ x 150′ runway including associated taxiways and aprons. Initial phase will consist of land acquisition and construction of a 5500′ x 75′ runway, connecting taxiway, aprons, etc. (ELR Order # 364, 24 pages) (NTIS Order # PB–201 522–D) 8/3.

Wittman Field airport project, Oshkosh, *Wisconsin*. Involves acquisition of land (117.43 acres) for clear zone, expansion of existing apron; construction of an entrance and service road, etc. (ELR Order # 473, 42 pages) (NTIS Order # PB–201 766–D) 8/11.

Airport project at Gillette-Campbell County, *Wyoming*. Involves land acquisition (10 acres), runway extension, etc. to existing airport. Purpose: improve conditions for executive jets and larger multi-engine planes. (ELR Order # 376, 11 pages) (NTIS Order # 201 579–D) 8/3.

Final

Title, description, and date

Airport Project at El Dorado, *Arkansas*. Runway and parking ramp extension, installation of lighting, etc. To improve Goodwin Field, Union County, Arkansas. Comments made by: EPA, USDA, DOI, Arkansas Planning Commission, Various State of Arkansas agencies. (ELR Order No. 496, 27 pages) NTIS Order No. PB–201 869–F) August 17.

Mariposa-Yosemite Airport project, Mariposa, *California*. Involves construction of a runway, taxiway, apron, access road, etc. Purpose: to serve light single engine and twin engine aircraft of the general aviation fleet. Comments made by HUD, Army Corps of Engineers, DOI, USDA, DOT, HEW, a large number of concerned citizens, various State of California agencies. (ELR Order No. 472, 57 pages) (NTIS Order No. PB–199 262–F) August 11.

Boundary County Airport project, Bonners Ferry, *Idaho*. Land acquisition, runway extension, taxiway and apron rehabilitation, etc. Comments made by DOI, USDA, Army: COE, HUD, EPA, City of Bonners Ferry. (ELR Order No. 506, 24 pages) (NTIS Order No. PB–199 884–F) August 17.

Pittsfield Municipal Airport Project, Pittsfield, *Illinois*. Involves acquisition of land for a proposed airport. Future development will involve construction of paved runway etc. Purpose: to replace an existing "restricted landing area." Comments made by City of Pittsfield; various State of Illinois agencies, local businesses, private citizens. (ELR Order No. 438, 74 pages) (NTIS Order No. PB–199 730–F) August 11.

Baer Field Airport project, Fort Wayne, *Indiana*. Acquisition of land, extension of runway, etc. Comments made by City of Fort Wayne, Indiana Air Pollution Control Board, and other State of Indiana Dept. (ELR Order No. 315, 10 pages) (NTIS Order No. PB–199 870–F) July 29.

Arthur N. Neu Airport, Carrol, *Iowa*. Involves land acquisition, extension of runway, construction of asphalt overlay and connecting taxiway and apron, etc. Comments made by DOI, City of Carroll, various State of Iowa agencies. (ELR Order #484, 10 pages) (NTIS Order # PB–201 870–F) 8/13.

Taylor County Airport, Campbellsville, *Kentucky*. Consists of extending and reconstructing the existing runway and also acquiring land for clear zone. Purpose: to accommodate an increasing number of single and double engine aircraft. Comments made by USDA, various Kentucky State and local agencies. (ELR Order # 532, 34 pages) (NTIS Order # PB–199 883–F) 8/19.

Douglas Municipal Airport, Charlotte, *North Carolina*. Improvements on existing airport, acquisition of land for construction of second parallel runway. Approximately 2,500 acres of land will be used for airport. Comments made by HUD, DOT, EPA, City of Charlotte, Office of the Mayor, various State of North Carolina agencies. (ELR Order # 332, 32 pages) (NTIS Order # 198 669–F) 7/28.

Airport project at Fort Yates, *North Dakota*. The Standing Rock Sioux Tribe requests assistance for constructing a new airport facility. Purpose: to complement and complete objectives of building an industrial park-airport facility (the area is presently economically depressed). Comments made by DOI, FHWA, HEW, Various State of North Dakota agencies and local agencies. (ELR Order # 333, 32 pages((NTIS Order # PB–199 885–F) 7/28.

Mott Municipal Airport project, Mott, *North Dakota*. Involves construction of a runway extension, taxiway, runway edge, lighting, etc. Purpose: to improve facility for single engine aircraft. Comments made by DOI, DOT, Various State of North Dakota agencies and local citizens. (ELR Order # 316, 23 pages) (NTIS Order # PB–199 743–F) 7/29.

Airport Project at Shamokin *Pennsylvania*. Involves acquisition of land, construction of runway, stub taxiways, apron, turn around, etc. To be built on site of present Elysburg-Shamokin airport. Comments made by Army: COE, HUD, DOI, Commonwealth of Pennsylvania, USDA. (ELR Order #634 25 pages) (NTIS Order #PB–200 345–F) 8/26.

Ogden Municipal Airport project, Ogden, *Utah*. Construction of runway extension and lighting, parallel taxiway, etc. Comments made by EPA, AEC, USDA, FPC, DOI, Army COE, HUD. (ELR Order #354, 29 pages) (NTIS Order #PB–201 499–F) 8/4.

Chesterfield County Airport, *Virginia*. Development of a general utility-type airport with a 3,700 foot paved runway to accommodate single engine and light twin engine aircraft. (Ultimately will be expanded to accommodate business jets, etc.) Requires 572 acres for project. Comments made by DOI, TVA, COMMERCE, USDA, HEW, ARMY: COE, AEC, DOT, EPA, and various State of Virginia Agencies and Citizens Group of Chesterfield County. (ELR Order #573, 84 pages (NTIS Order #PB–198 759–F) 8/20.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Title, description, and date

FAS. Route 09: Clay County, *Alabama*. Involves replacement of a bridge over Crooked Creek and the Seaboard Coast Line Railroad Main Line with a 2-lane travelway and erosion control measures. (ELR Order #309, 5 pages) (NTIS Order #PB–201 374–D) 7/28.

U.S. 82: Bibb County, *Alabama*. Adding 2 lanes, making a 4 lane divided facility, from the Tuscaloosa-Bibb County line to a point about .8 miles west of Eoline (5.5 miles). Highway Project F–397(1); (State–320–I) (ELR Order #326, 5 pages) (NTIS Order #PB–201 381–D) 7/28.

*He will refer you to the correct regional office from which the statement originated. In the case of the Federal Highway Administration, a separate page is included in this Monitor giving the names of the Regional Administrators (see page 137).

Seaboard Coastline Railroad Overpass and approaches, Dale County, *Alabama*. Improvement of present two lane Alabama 85 and Seaboard Coastline Railroad overpass to a multilane highway. Project S-2322. (ELR Order #342, 7 pages) (NTIS Order #PB-201 513-D) 7/30.

U.S. 90: Baldwin County, *Alabama*. Improvements at the intersection with Alabama 59 (approximately 1.0 miles) and in the center of existing U.S. 90 near Blackwater River (approximately .5 miles). A rural type two lane facility is planned. Project F-FG-184 (7). (ELR Order #396, 8 pages) (NTIS Order #PB-201 566-D) 8/2.

Project S-451-C: Morgan County, *Alabama*. Construction of urban type four lane curb and gutter highway with sidewalk area. From U.S. 31 in Hartselle to Interstate 65. Describes 2 proposed routes. (ELR Order #469, 10 pages) (NTIS Order #PB-201 769-D) 8/5.

Walker County, *Alabama*. Purpose of the proposed project is to complete a much needed route improvement through the midsection of Walker County, beginning at Oakman and terminating on U.S. 78 at Sumiton. The project will require two bridges over streams and also 2 overpasses over railroad crossing. Project S-6408 and S-547-C. (ELR Order No. 493, 9 pages) (NTIS Order No. PB-201 846-D) 8/12.

Improvements U.S. 431 and County Road 9; Henry County, *Alabama*. The proposed typical section is an ultimate rural type four lane facility. Project F-129(6). (ELR Order No. 595, 11 pages) (NTIS Order No. PB-202 076-D) 8/19.

Highway project F-061-1(6): Fairbanks, *Alaska*. Construction of a divided 4-lane, controlled access facility from Gaffney Road northerly to the intersection of the Farmer's Loop Road and the Steese Highway. Includes construction of a bridge crossing the Chena River. A 4(f) report is attached since project requires use of land within the park strip in the north side of Chena River. (ELR Order No. 637, 101 pages) (PB-202 141-D) 8/24.

Nome-Taylor Highway (FAS-141): Nome, *Alaska*. Widening and realigning highway from Dexter Creek to 1 mile north of Banner Creek (5 miles). Highway project S-0141 (3). (ELR Order No. 620 45 pages) (NTIS Order No. PB-202 130D) 8/25.

Fairbanks-Anchorage Highway: *Alaska*. Realigning and upgrading a 22.6 mile segment from Cantwell to a point 1.5 miles inside of Mt. McKinley National Park. Much of this segment parallels the eastern boundary of Mt. McKinley National Park. A 4(f) is attached. Highway project F-037-2( ). (ELR Order No. 635, 111 pages) (NTIS Order No. PB-202 124-D) 8/26.

Ehrenberg-Phoenix Highway: Yuma County, *Arizona*. Involves construction of two 38 foot roadways to complete section of Interstate Highway 10 in Ehrenberg (1.5 miles) Project I-10-1(21). (ELR Order No. 398, 13 pages) (NTIS Order No. PB-201 568-D) 8/4.

Arizona, Forest Highway Project 3-2(2). Flagstaff-Clints Well (FAS 209), Coconino National Forest, Coconino County, *Arizona*. Construction of two-lane, modern facility (61 miles). This is the final segment involving major realignment and reconstruction. (ELR Order #397, 13 pages) (NTIS Order #PB-201 567-D) 8/5.

SH-37: Sonoma and Solano Counties, *California*. Project consists of grading and paving two additional lanes to provide a four-lane divided highway and construction of another two-lane bridge at Sonoma Creek, etc. (8.1 miles). Purpose: provide better service to Mare Island Naval Yard and Skaggs Island Naval Reservation. Highway projects 10-SON-37, 10-SOL-37. (ELR Order #371, 8 pages) (NTIS Order #PB-201 527-D) 8/3.

El Camino Real (State Route 82) and Lafayette Street, City of Santa Clara, *California*. Existing traffic signals will be removed and a new multi-phase signal control system will be installed. The existing streets will be widened and channelized to provide for orderly left turn movements. (ELR Order #498, 21 pages) (NTIS Order #PB-201 842-D) 8/16.

State Highway Route 99, Tehama County, *California*. Construction of a portion of SH 99 as a freeway on new alignment from the Los Molinos area to the Proberta area. Project 02-TEH-99 R10.6-18.3. (ELR Order #518, 16 pages) (NTIS Order #PB-201 995-D) 8/17.

Route 83 and 94: Glastonbury, *Connecticut*. Improvement and realignment of approaches to the intersection of Conn. Route 83 and 94. Project SU-S-9(5). (ELR Order #368, 21 pages) (NTIS Order #PB-201 529-D) 8/3.

Route 69, Woodbridge, *Connecticut*, Realignment of .85 mile road from point north of Clark Road along Lake Dawson to Sargent River Bridge. Project 167-72. (ELR Order #370, 26 pages) (NTIS Order #PB-201 528-D) 8/3.

State Route 66 and State Road 597: Cheshire and Southington, *Connecticut*. Relocation of S.R. 66 from I-84 east to Meriden and the construction of a multi-directional interchange with proposed State Road 597. Both new highways will consist of dual-lane limited access roadways. (ELR Order # 389, 28 pages) (NTIS Order # PB-201 527-D) 8/5.

I-95: Old Saybrook and Old Lyme, *Connecticut*. Construction of highway from Route 154 in Saybrook to Lyme Street in Old Lyme. Also it is proposed to convert the existing Baldwin Bridge to 4 lanes westbound. 4(f) determination attached as route would require use of 4.3 acres of tidal wetlands near the Lieutenant River in Old Lyme and 0.6 acre of historical land. (ELR Order # 587, 82 pages) (NTIS Order # PB-202 094-D), 8/19.

Delaware Route 14 (Rehobeth Bypass and New Savannah Road Bridge): Sussex County, *Delaware*. Construction runs from Intersection of Route 14A north of Rehobeth Beach. Southerly for 1.4 miles to existing Route 14 and consists of the addition of 2 travel lanes parallel to existing 2-lane route 14. Also to be constructed is a new twin fixed high level bridge over the Lewes and Rehobeth Canal. Highway project 67-10-015. (ELR Order # 553, 11 pages) (NTIS Order # PB-202 096-D) 8/20.

State Road 780: (Fruitville Road) Sarasota County, *Florida*. Involves construction in 2 sections. The first sector serves as a connector from State Road 683 (US 301) to the approved location for I-75 (5.2 miles). The second sector runs from proposed I-75 to Verna Road and involves acquisition of an expanded right-of-way. (Appears to be about 11 miles). 4(f) determination attached as route requires land from the Bobby Jones Golf Course and the Sarasota County Fairgrounds and park land. Highway project US-S-552(4), State Project 17040 and 1507. (ELR Order # 301, 69 pages) (NTIS Order # PB 201 393-D) 7/26.

FAS-252 State Road 808 (Glades Road) Palm Beach County, *Florida*. Improvement of a 2.1 mile segment of highway between I-95 and State Road 5 (U.S. 1) to a multilane facility. Portion of project that will run from State Route 7 (US-441) to State Road 5 (US-1). State Highway 93004-1501. (ELR Order #411, 11 pages (NTIS Order #PB-201 690-D) 8/6.

US-319 (SR-377): Wakulla County, *Florida*. Replacement of 0.04 mile bridge over Sopchoppy river and 0.17 mile length of Ochlockonee river bridge and approaches. Highway project S-715(2) and State Project 59030-1502. (ELR Order #540, 16 pages (NTIS Order #PB-201 999-D) 8/17.

State Road 24: Alachua County, *Florida*. Reconstruction from 2- to 4-lane highway from northeast of Gainesville to Waldo (total distance 9.3 miles). Highway project F-008-1(9); State Project 26050-1506. (ELR Order #585, 10 pages) (NTIS Order #PB-202 089-D) 8/20.

State Road No. 400 (I-4) Seminole County, *Florida*. Rest areas, 0.8 mile north of S.R. 424 on S.R. 400 (I-4). Construction of two rest areas, with air-conditioned toilet facilities, drinking water, etc. (ELR Order #600, 20 pages) (NTIS Order #PB-202 140-D) 8/26.

Spur and SR-247: Houston County, *Georgia*. Construction of a new highway facility, beginning on Watson Boulevard extending to Robins Air Force Base. Will be 2-lane free access, then turning into multilane controlled access. 82 families may be displaced and some pasture and farm land acquired. Highway projects R-AD-18(2), S-2041. (ELR Order #497, 17 pages (NTIS Order #PB-201 844-D) 8/13.

Kahekili Interchange: Oahu, *Hawaii*. Upgrading intersection at Kahekili and Likelike Highways to improve safety. Project F-063-1 and F-083-1. (ELR Order #373, 54 pages) (NTIS Order #PB-201 582-D) 8/4.

Interstate H-I, Nimitz Spur Oahu, *Hawaii*. Completion of the remainder of the Interstate between Pearl Harbor Interchange and the Pearl Harbor Naval Reservation and the Hickman Air Force Base. (8 lanes) Noise increase at Mokulele Elementary school may be a problem. (ELR Order #388, 22 pages) (NTIS Order #PB-201 571-D) 8/4.

Interstate 90: Shoshone County, *Idaho*. Construction of a 4-lane limited access facility through City of Wallace (1.7 miles) 4(f) considerations, included since project affects Captain John Mullan Park. (ELR Order #390, 38 pages (NTIS Order #PB-201 573-D) 8/3.

I-494 (Chicago Crosstown Expressway): Cook County, *Illinois*. Construction of a 20 mile expressway and a public transportation line along an L-shaped route extending from the intersection of Kennedy and Edens Expressways, on Chicago's northwest side, south to Midway Airport and continuing southeasterly to the Dan Ryan Expressway. Sections of project will affect schools, parks and recreational facilities. Project I-494-1. (ELR Order #339, 79 pages) (NTIS Oder PB-201 510-D) 7/27.

FAI Route 72 and FAP Route 412, Macon County, *Illinois*. FAI 72 is last segment to complete Interstate between Champaign and Springfield. (16 miles) F.A. 412 will be first link of an extensive high-type roadway facility which will provide a circumferential freeway west of Decatur. (ELR Order #306, 40 pages) (NTIS Order #PB-201 378-D) 7/30.

FA Route 405 (Supplemental Freeway F-5): Peoria, Marshall, Putnam, and Bureau Counties, *Illinois*. Construction of freeway on new location from intersection of I-74 and I-474 west of Peoria north to I-180 west of Hennepin (40 miles). 4(f) report attached as route may require the use of a portion of Peoria Park District lands and Illinois Nature Preserve Lands. Project F-405. (ELR Order #414, 32 pages) (NTIS Order PB-201 704-D) 8/6.

Supplemental Freeway F-4 (FA Route 404): Knox and Warren Countries, *Illinois*. Involves freeway construction between Monmouth and Galesburg. (10.3 miles) (ELR Order #415, 15 pages) (NTIS Order #PB-201 703-D) 8/6.

FA Route 17, Shelbyville to Windsor, Shelby County, *Illinois*. Improvement involves reconstruction and widening of the existing route. Requires acquisition of 183 acres of additional right of way, new dual bridge across the Kaskaskia River, etc. 4(f) statement included as project requires taking a portion of land from the Shelbyville Reservoir. (ELR Order # 448, 10 pages) (NTIS Order # PB-201 768-D) 8/9.

US-45 (FA Route 26): Effingham County, *Illinois*. Upgrading to 4-lane highway from Wabash Ave. in the City of Effingham to south of Township Road 123 (2 miles). Highway project F-85( ). (ELR Order # 430, 15 pages) (NTIS Order # PB-201 712-D) 8/10.

FA Route 128 (marked Illinois Route 127): Clinton and Bond Counties, *Illinois*. Recon-

struction of highway from the limits of Carlyle to I–70. Includes widening roadway, bridges, shoulders, etc. 4(f) determination attached as route requires use of 1.62 acres of Twin Oaks Golf Course. Highway project F–237. (ELR Order # 479, 14 pages) (NTIS Order # PB–201 765–D) 8/12.

FA Route 64 (Illinois Route 47) Sections 129, 136, 137, (W.R.S.) Champaign County, *Illinois*. Reconstruction along the existing alignment utilizing all the existing right-of-way with additional right-of-way to be purchased where necessary. (ELR Order # 597, 29 pages) (NTIS Order # PB–202 077–D) 8/14.

FA Route 48 (Illinois Route 125); Section 3X: Cass County, *Illinois*. Improvement consists of a bypass around the north edge of Ashland, Illinois. Approximately 1.5 miles in length. Project F–46 and F–133. (ELR Order # 550, 5 pages) (NTIS Order PB–202 084–D) 8/19.

FA Route 403, Section (161–1, 195–1, 195–2): Whiteside and Rock Island Counties, *Illinois*. Construction of a 4-lane freeway traversing an area beginning west of the existing interchange with I–80 and continuing 36 miles, terminating on R. 2. Highway project F–403. (ELR Order # 548, 14 pages) (NTIS Order # PB–202 082–D) 8/19.

FA Route 413, Jacksonville to Industry, Morgan, Cass and Schuyler Counties, *Illinois*. Construction of a supplemental freeway originating at Rock Island and following the existing U.S. 67 alignment south to the St. Louis, Missouri area. Project F–413. This is part of a new program of highway planning and design which will provide new freeways to supplement the service of the Interstate system. (ELR Order #547, 26 pages) (NTIS Order #PB–202 073–D) 8/19.

FAP Route 411 (Illinois Supplemental Freeway F–11), Sections V1–V5: Vermilion County, *Illinois*. Construction of a 4-lane divided segment of highway from Georgetown to the Vermilion County Airport north of Danville (18 miles). 4(f) description is included since project will pass just west of a seasonal pool incorporated in the Army Corps of Engineers plans for a flood control and recreation reservoir. (ELR Order #607, 48 pages) (NTIS Order #PB–202 135–D) 8/25.

U.S. 231–SR 43: Montgomery County, *Indiana*. Construction of a 4-lane divided segment extending from the intersection of US 136 and Washington Street in Crawfordsville to about ½ mile north of interchange of SR–43 with I–74 (3.2 miles). Highway project F–191(15) PE. (ELR Order #625, 11 pages) (NTIS Order #PB–202 126–D) 8/27.

Iowa Highway 401: Polk County, *Iowa*. Relocation and reconstruction of highway from Johnston north and east across the Saylorville Dam to US–69. (ELR Order #311, 7 pages) (NTIS Order #PB–201 403–D) 7/28.

Iowa–2: Taylor and Ringgold Counties, *Iowa*. Reconstruction of 28.2 miles of highway (widening from 18 to 24 feet) from the Page-Taylor County Line along the general alignment of existing Iowa–2 to near the southern corner of section 6–T68N–R31W. (ELR Order #555, 10 pages) (NTIS Order #PB–202 095–D) 8/17.

US–50: Ford County, *Kansas*. Realignment and upgrading of highway to 4-lane for approximately ¾ mile within the City of Dodge City. Highway project 50–29 U050–2(29) (ELR Order #468, 8 pages) (NTIS Order #PB–201 771–D) 8/10.

I–70: Shawnee County, *Kansas*. Involves construction of multi-lane divided facility and interchanges between Fairlawn Ave. and Gage Blvd. (.6 mile). Consists of right-of-way acquisition, grading, etc. Project 70–89 I–70–5(55). (ELR Order 307, 12 pages) (NTIS Order # PB–201 379–D) 7/29.

K–179: Harper County, *Kansas*. Upgrading and widening highway including bridges over Bluff and Spring Creek, grading and surfacing from 3 miles south of Anthony north to 1½ miles south of Anthony (1.5 miles) (ELR Order # 341, 31 pages) (NTIS Order # PB–201 514–D) 7/29.

Whitesburg By-pass: Letcher County, *Kentucky*. Construction of a segment of the Appalachian Developmental System (Corridor I) to serve as a by-pass of Whitesburg. Construction begins of KY 15 and ends at a junction with US–119. Will touch upon property belonging to the Whitesburg Appalachian Regional Hospital and displace 29 residences, a business, etc. (ELR Order # 470, 63 pages) (NTIS Order # PB–201 762–D) 8/9.

US 460 (Salyersville-Paintsville Road Section II): Johnson County, *Kentucky*. Widening and realigning highway to connect the Mountain Parkway with the newly constructed US–23 at Paintsville (7.5 miles). Highway project SP 58–97–4L F 75(4). (ELR Order # 539, 15 pages) (NTIS Order # PB–201 998–D) 8/19.

KY–1426 and KY–979: Floyd County, *Kentucky*. Project consists of replacement of Bailey Bridge over Mud Creek and reconstructing portion of KY–979 in that vicinity. Highway project S 661 and S 612. (ELR Order # 544, 10 pages) (NTIS Order # PB–202 001–D) 8/19.

Pikeville-Jenkins-U.S. 23–119 Road: Pike County, *Kentucky*. Project begins just northeast of Robinson Creek, runs northeasterly through Collins and then to the Gap at the head of Fords Branch. From there it crosses Levisa Fork at the mouth of Fords Branch and terminates with an intersection with Corridor Q, relocated KY–80, the Pikeville-Elkhorn Road (4.95 miles). Project is portion of Corridor B of the Appalachian Development Highway System. Highway project APD 127 (30). (ELR Order # 543, 20 pages) (NTIS Order # PB–202 002–D) 8/19.

US–119 (Pikesville-South Williamson Road): Pike County, *Kentucky*. Construction runs from just north of Huddy to a point south of Belfry and consists of widening to a 4-lane highway. (Portion of Corridor G of Appalachian Development Highway System) Highway project ADP 506 (9) (ELR Order #538, 17 pages) (NTIS Order #PB–202 003–D) 8/19.

Harlan-Cumberland-Whitesburg Road (Corridor "F", Appalachian Development Highway System): Harlan and Letcher Counties, *Kentucky*. Construction of a bypass around Cumberland beginning at Cloverlick Creek and extending eastward to a point 1.3 miles east of the Harlan-Letcher County Line (6.6 miles). Requires 330 acres of land and will displace 3 churches, 6 businesses and 63 residences. 4(f) report is attached since project passes through Cumberland City Park. Project APD 140(10) AP 48–8–5L; AP 67–159–6L. (ELR Order 626, 35 pages) (NTIS Order #PB–202 131–D) 8/26.

Kenner Overpass and Approaches (US–61): Jefferson Parish, *Louisiana*. Upgrade segment beginning near St. Charles-Jefferson Parish line and extending easterly for 2.2 miles. Involves constructing a 4-lane divided facility. Highway project U–173(19). (ELR Order #337, 14 pages) (NTIS Order #PB–202 131–D) 7/30.

Route 135: Garrett County, *Maryland*. Reconstruction of existing route from Md. Rte. 38 to Md. Rte 495 (3.4 miles). Project S–9073 (1). (ELR Order #369, 13 pages) (NTIS Order #PB–201 516–D) 8/2.

Maryland Route 16: Dorchester County, *Maryland*. Consists of rehabilitating the existing roadway to insure 50 mph design speed. Construction work runs between Parsons Creek and Slaughter Creek (2 miles). Maryland D–359–6–771. (ELR Order #395, 7 pages) (NTIS Order #PB–201 565–D) 8/3.

U.S. Route 113: Worcester County, *Maryland*. Relocation of route on east side of Pocomoke City (2.4 miles). Involves 1.6 miles of dual highway and .8 mile of dualization of existing highway. Project F 918–1(3). (ELR Order #392, 10 pages) (NTIS Order #PB–201 562–D) 8/5.

I–170: from Pulaski Street to Pine Street in the City of Baltimore, *Maryland*. Design and construction of a six-lane depressed freeway for a total length of 15 city blocks. Project I–170–8(1). (ELR Order #594, 15 pages) (NTIS Order #PB–202 079–D) 8/25.

City Boulevard: from I–170 to Mount Royal Avenue in the City of Baltimore, *Maryland*. Design and Construction of a six-lane surface street from I–170 to Mount Royal Ave. Will displace 148 residential units and 36 businesses. Highway project U–142–1(25). (ELR Order #598, 13 pages). (NTIS #PB 202 079–D) 8/25.

I–895: Southeastern, *Massachusetts*. Part of a circumferential highway around the periphery of the Providence/Pawtucket/Attleboro, Metropolitan area. Construction consists of a divided, limited-access, expressway. Project runs from Attleboro to the Rhode Island State Line, (16.5 miles). Action will require the removal of 86 single family dwellings and 9 house trailers. There would be possible increase in salt and truck and spill pollution of public water supply watersheds in the Kickemuit River Basin. 3,500 acres of land, predominantly oak forest will be committed to highway use. (ELR Order #400) (NTIS Order #PB–201 693–D) 8/6.

U.S.–31 in Mason County, *Michigan*. Construction of freeway from the Oceana-Mason County line north to US–31/US–10, Summit, Pere Marquette, Amber and Riverton Townships. (10.8 miles) Highway Project F 2–5. (ELR Order #603, 26 pages) (NTIS Order #PB–202 137–D) 8/24.

Intersection of Howdershell Road, Charbonier Road and Shackelford Road: Florissant, *Missouri*. Involves eliminating the offset in alignment and widening road between Howdershell Road and Shackelford Road at Charbonier Road (less than ½ mile). 4(f) report is attached since project involves Henry F. Koch Park. St. Louis County project No. 32. (ELR Order 614, 10 pages) (NTIS Order #PB–202 132–D) 8/27.

Route 152: Platte and Clay Counties, *Missouri*. Construction of a 4-lane divided freeway from I–29 east to I–35 (11 miles). Will displace 95 people living in 27 residence. Highway project US–370(7) (8). (ELR Order #611, 10 pages) (NTIS Order #PB–202 143–D) 8/27.

I–80 and Dix Spur: Kimball and Cheyenne Counties, *Nebraska*. Involves 3 construction projects. The first two projects (I–80–1(8) and (I–80–1(9)) represent 14.5 miles of 4-lane construction of I–80 from southeast of Kimball to Potter. The other project (S–590–B) represents 1 mile of construction of Dix Spur between old US–30 in Dix and I–80. Requires 400 acres of right of way. (ELR Order #516, 18 pages) (NTIS Order #PB–201 856–D) 8/13.

Dodge Street: 96th to Cass St., Douglas County, *Nebraska*. Improvement of a .9 mile segment of U.S. 6 in Omaha. Will include rebuilding Dodge Street into an urban six-lane divided facility with left turn lanes and on 90th St. an urban four-lane facility. Highway project F–20(36) (ELR Order #509, 8 pages) (NTIS Order #PB–201 857–D) 8/17.

Veteran's Memorial Drive-Gilbert Ave.: Rockland County, *New York*. Widening and reconstructing route between Route 304 and Orangeburg Road in Orangetown. A 4(f) review will be forwarded to DOT since project affects Blue Hill Golf Club. Highway Project PIN 8444.01. (ELR Order #313, 16 pages) (NTIS Order #PB–201 382–D) 7/29.

Solvay-State Fair-Syracuse, SH 1353 and SH 1353 A, Bridge Street: Onondaga County, *New York*. Involves replacing bridge over Penn-Central Railroad, reconstructing and upgrading Bridge Street, including work at intersections with Milton Ave. and County Road 80, etc. (ELR Order #372, 69 pages) (NTIS Order #PB–201 581–D) 7/29.

County Line-Arcade, S.H. 1155-Route 39: Wyoming County, *New York*. Involves upgrading Main Street in Village of Arcade, including grade separation structure over

the Pennsylvania Railroad and the Attica and Arcade Railroad, and widening Liberty Street at east end of project. Length of project 2.1 miles. (ELR Order #374, 9 pages) (NTIS Order #PB–201 583–D) 7/30.

Route 23, Columbia County, *New York*. Involves relocation and construction of a two-lane controlled access facility between Buckley Corners to a point near Hollowville (5.5 miles) Project PIN 8169.00 (ELR Order 314, 12 pages) (NTIS Order PB–201 383–D) 7/30.

Interstate Route Connection 571 Forest Interchange-Jamesville Onondaga County, *New York*. Construction of final link of southeasterly quadrant of the Syracuse Bypass involves work on 4.1 miles of I–481. Purpose: connect with Route 81 on west side of Syracuse. Highway project PIN 3007.111. (ELR Order #522, 65 pages) (NTIS Order #PB–201 992–D) 8/9.

SR–23: Columbia County, *New York*. Reconstruction of 2-lane highway from Hollowville to Craryville, primarily on existing alignment (5 miles). Highway project PIN 812.01. (ELR Order #475, 17 pages (NTIS Order #PB–201 763–D) 8/10.

Country Road 29 (west road): Lewis County, *New York*. Reconstruction of 7.3 miles of highway from a point on Route 12D near Whetstone Gulf State Park northwesterly to the junction of Route 177 and Route 12. Proposes to change jurisdiction of CR–29 to a state highway and change Route 194 from State to County jurisdiction highway project PIN 7022.00. (ELR Order #477, 16 pages) (NTIS Order #PB–201 764–D (8/1).

US–23 and 441: Jackson and Macon Counties, *North Carolina*. Involves widening highway from 2 to 4 lanes beginning at the Franklin Bypass and ending just north of US–23–441–SR 1300 intersection (8.1 miles). 20 families and 2 businesses will be relocated. Project 6.801820, formerly project 8.3023104. (ELR Order #340, 25 pages) (NTIS Order #PB–201 515–D) 8/3.

US–52 business (W. Lebanon St.): Surry County, *North Carolina*. Proposed project extends from South St. in Mt. Airy to US–52 Bypass (1.25 miles) and consists of widening highway from 2-to-5 lanes, curb and gutter street. Also involves improvement of Grace Street—South St. intersection. 4(f) determination attached as highway requires 15 feet of Veterans Memorial Park, Inc. (ELR Order #417, 18 pages) (NTIS Order #PB–201 708–D) 8/9.

U.S. 64, Edgecombe County, *North Carolina*. Involves building a freeway facility on new location between Rocky Mount and Tarboro. Requires 460 acres of farm and wooded land. Project 6.803219, FA Project F–36–2. (ELR Order #495, 19 pages) (NTIS Order #PB–201 845–D) 8/16.

N.C. 53–210, Cumberland County, *North Carolina*. Widening community highway from NC 24 to Cedar Creek (9.3 miles). Purpose: part of Fayetteville Thoroughfare Plan. Project 6.801882. (ELR Order #492, 12 pages) NTIS Order #PB–201 848–D) 8/17.

Connector from I–40 north to US 321 and south to NC 127 at Hickory, Catawba County, *North Carolina*. Length of project 2.8 miles. Project crosses Henry Fork River and several streams. Highway project 9.8121630. (ELR Order 542, 18 pages) (NTIS Order #PB–201 989–D) 8/19.

SR–1707 (Charles Street): Pitt County, *North Carolina*. Involves widening and minor relocation from US–264 bypass northerly to 264 business (10th Street) in Greenville (about 1.14 miles). Highway project 9.8022032. (ELR Order #583, 13 pages) (NTIS Order #PB–202 087–D) 8/19.

NC–68: Guilford County, *North Carolina*. Construction on new location, but parallel to existing NC–68, from SR–1839 to SR–2011, just north of the Greensboro-High Point-Winston Salem Airport. (4 miles) Highway project 6.801736. (ELR Order #581, 18 pages) (NTIS Order #PB–202 091–D) 8/20.

S.R.–2147 (Friendly Road): Guilford County, *North Carolina*. Widening from 2 to 5 lanes with curb and gutter intersection approach from Westridge Road westward for 3.4 miles to Sherwin Road. Additional right-of-way will necessitate the taking of some lands from Guilford College. Highway project 6.801924 and 9.8070830. (ELR Order #582, 17 pages) (NTIS Order #PB–202 090–D) 8/20.

S.R. 73, Adams County, *Ohio*. Construction of new highway bridge over Ohio Brush Creek to replace old bridge and upgrading of approaches (0.6 mile). 4(f) documentation sent to DOT on March 22, 1971 since project requires land from the Ohio Historical Society. Highway project S–553(9); ADA SR–73–3.41 (ELR Order #387, 22 pages) (NTIS Order #PB 201 570–D) 8/3.

SR–41 (West Main Street): Miami County, *Ohio*. Widening of existing highway from just north of Experiment Farm Road to the westerly approach to the bridge near I–75 and improvement of the I–75 interchange. Highway project MAI–41–11.24 (unprogrammed S–1262(6)) and MAI–75–9.71 (unprogrammed) (ELR Order #580, 11 pages) (NTIS Order #PB–202 092–D) 8/24.

US–224: Seneca County, *Ohio*. Relocation of highway beginning south of Tiffin and extending eastward to northwest side of Attica (11.8 miles). Involves constructing a 4-lane divided limited access highway. Highway project LUC–US 224–14.59 (unprogrammed) (ELR Order #619, 15 pages) (NTIS Order #PB–202 144–D) 8/26.

S.H. 33: Mays and Delaware Counties, *Oklahoma*. Development of a primary State Highway, on a new alignment from Chouteau, east for 31.8 miles to SH 10 near Kansas. Involves relocation of 16 families and it may cause water pollution of Grand River and Fort Gibson Reservoir. Project bisects the Fort Gibson Public Use Area and is therefore subject to requirements of Section 4(f). Project F–398. (ELR Order #312, 29 pages) (NTIS Order #PB–201 404–D) 7/28.

Perkins Road (FAS Route 6012): Payne County, *Oklahoma*. Extension of road in Stillwater for 2 miles from its present terminus. The existing facility is a gravel county road, construction warrants a 24 ft. surface (two 12' lanes) with paved shoulders. Highways project S–6012. (ELR Order #505, 7 pages) (NTIS Order #PB–201 849–D) 8/13.

Cincinnati Avenue: Tulsa, *Oklahoma*. Upgrading Avenue with partial construction on new alignment from East 31st Street north to East 42nd Street north (1 mile). Highway project SU–7251 (100)C. (ELR Order No. 507, 45 pages) (NTIS Order No. PB–201 859–D) 8/13.

71st Street (Kinosha): Broken Arrow, *Oklahoma*. Construction of a 4-lane divided facility from intersection of 161st East Avenue and South 71st Street to Broken Arrow Expressway (1.5 miles) First segment of a proposed 20.5 mile facility. Highway project SU–7238 (100)C. (ELR Order No. 517, 57 pages). 8/16.

Stillwater Metropolitan Area Transportation Study: Payne County, *Oklahoma*. Statement discusses recommended plans and alternatives for a transportation system for the city over the next 20 years. (ELR Order No. 609, 23 pages) (NTIS Order No. 202–142–D) 8/24.

SH–51: Payne County, *Oklahoma*. Adding 2-lanes making highway a 4-lane segment from I–35 east for 9.5 miles. Highway project F–198. (ELR Order No. 627, 8 pages) (NTIS Order No. PB–202 122–D) 8/26.

Umpqua Highway, Wells Creek and Jack Creek Section: Douglas County, *Oregon*. Construction within a 26 mile section of the highway between Wells Creek and Jack Creek of eleven passing bays. Also includes work to control slide area at Sawyer Rapids. Project FAP F–142. (ELR Order No. 305, 9 pages) (NTIS Order No. PB–201 377–D 8/2.

West Pendleton Interchange: I 80 N. Umatilla County, *Oregon*. Reconstruction of the Interchange to accommodate the proposed County Road that will connect Rieth Road (FAS 470). Highway project S–578. (ELR Order No. 491, 11 pages) (NTIS Order No. PB–201 847–D) 8/16.

L. R. 288, Section 18: Allegheny County, *Pennsylvania*. Widening 1.9 mile section of road to 4 lanes beginning at intersection of Foster Road and Lincoln Way and ending at Jacks Run Road. (ELR Order No. 367, 4 pages) (NTIS Order No. PB–201 530–D) 8/4.

L.R. 1005, Section 2A: Dauphin County, *Pennsylvania*. Construction on new alignment in the City of Harrisburg and Susquehanna Township, includes grading, drainage, paving, etc. It will be a six-lane limited access facility and will be a section of I–81, A. 4(f) statement is enclosed as project will traverse Wildwood Lake and Park. (ELR Order # 420, 69 pages) (NTIS Order # PB–201 688–D) 8/10.

L.R. 1089, Sections 1 and 2: Dauphin County, *Pennsylvania*. Involves relocation of U.S. Route 22 and U.S. Route 322 from Maclay St. in Harrisburg north to Linglestown. 4(f) approval was given by the Secretary of Transportation in May 18, 1970 for project traversing Wildwood Park. (ELR Order # 421, 651 pages) (NTIS Order # PB–201 689–D) 8/10.

Legislative Route 1010, Section A3 (Mid County Expressway): Delaware County, *Pennsylvania*. Construction of 2.1 mile portion of Expressway beginning in town of Nether Providence and proceeding north through Springfield. An interchange will be provided to connect the Baltimore Pike. A 4 (f) statement is included since one section of route traverses Smedley Park (requires 4 acres). (ELR Order #482, 42 pages) (NTIS Order #PB–201 852–D) 8/13.

Thorn Hill Industrial Park, Access Road: Allegheny and Butler Counties, *Pennsylvania*. Project involves constructing an access road approximately 1000 feet west of the PA Turnpike. (ELR Order #521, 6 pages) (NTIS Order # PB–201 990–D) 8/17.

Portion of L.R. 1045 (I–78): Lehigh and Northhampton Counties, *Pennsylvania*. Construction of route involves parts of Section 1 and 7, all of Sections 2–6 and will be constructed as a 6-lane limited access facility. Length is 15.7 miles. Purpose: provide high speed highway for commuters, etc. from Allentown, Bethlehem and Easton. Will displace 223 individuals and families. (ELR Order # 519, 45 pages) (NTIS Order # PB–201 994–D) 8/18.

L.R. 11084, Section 3: Cambria County, *Pennsylvania*. Upgrading route to provide better access to Prince Gallitzin State Park from Patton and areas to the west. A 4(f) submission is attached since project requires 14 acres from Prince Gallitzin State Park and 0.7 acre from State Game Lands No. 108. (ELR Order # 549, 26 pages) (NTIS Order # PB–202 083–D) 8/20.

Legislative Route 266, Section A06 (PA Route 44): Lycoming County, *Pennsylvania*. Upgrade route in village of Waterville and replace bridge (.53 mile). (ELR Order # 636, 8 pages) (NTIS Order # PB–202 121–D) 8/26.

Legislative Route 18, Section 23T: Lycoming County, *Pennsylvania*. Construction of free access highway between Washington Blvd. and High St. and a modification to the Market St.-Hepburn St.-Rural Ave. intersection in Williamsport. (ELR Order #608, 15 pages) (NTIS Order #PB–202 139–D) 8/26.

US–25 Bypass (Route S–10): Edgefield, *South Carolina*. Upgrading the existing US–25 Bypass from a 2-lane highway to a multi-lane facility (about 4.6 miles). (ELR Order #444, 7 pages) (NTIS Order #PB–201 770–D) 8/11.

Multi-lane widening of U.S. 25 section. Aiken and Edgefield Counties, *South Carolina*. Project will entail multi-lane widening

of an approximate 5.4 mile segment of U.S. Route 25, extending from I.R. 20 to Secondary System Road S–388. Highway project F–023–1. (ELR Order #511, 7 pages) (NTIS Order # BP 201 860–D) 8/17.

Cliff Avenue: Minnehaha County, *South Dakota*. Project consists of grading, surfacing, curb and gutter, sidewalk and storm sewer between 8th St. and 17th St. (Appears to be about 1 mile). Also involves replacement of bridge over Big Sioux River. 4(f) determination attached as route requires about .05 acre of Nelson Park. Unprogrammed highway project F–057–1. (ELR Order #410, 15 pages) (NTIS Order #PB–201 692–D)

Secondary Route 2423: Blount County, *Tennessee*. Upgrading of 8/20. 4.43 miles of highway from Secondary Route 2550 near *Midway* to Secondary Route 2423 near Singleton. Highway project S–2423(10). (ELR Order #578, 4 pages) (NTIS Order #PB–202 093–D).

S.H. 36: Coryell County, *Texas*. Construction of bypass around Gatesville consisting of sections of 4-lane divided and 2-lane highway on right of way adequate for 4-lane development throughout length (5.6 miles) Highway project S–801. (ELR Order #310, 13 pages) (NTIS Order #PB–201 402–D)

Dryden Road: Jefferson County, *Texas*. Extending road from Ninth Ave. through a corner of Pioneer Park to intersection of Gulfway Drive (SH–87) via Seventh Ave. (0.3 miles). 4(f) documentation required since project will use 1.5 acres of Pioneer Park. Highway project T9017(3). ELR Order #344. 8 pages) (NTIS Order #PB 201 511–D) 8/2.

Ninth Avenue: Jefferson County, *Texas*. Widening of approximately .2 mile to a four lane divided roadway with protected left turn lanes. Begins at 17th Street and continues north to St. Mary's Hospital in Port Jefferson. Includes a 4(f) determination since project requires use of a small portion of Pioneer Park. Project T 9017(2). (ELR Order # 343, 12 pages) (NTIS Order # PB–201 512–D), August 2.

U.S. Highway 81 and 287: Wist County, *Texas*. Construction of a limited access 4-lane highway from Montague County Line to section south of Alvord (8.2 miles). Highway project F–14. (ELR Order # 391, 12 pages) (NTIS Order # PB–201 547–D), August 5.

S.H. 35: Houston, *Texas*. Relocation of highway between Dixie Drive and Almeda-Genoa Road (4 miles). Construction consists of a controlled access facility providing 8 lanes. 4(f) documentation attached as route requires land from the future site of Frances Mann Law Park. Highway project F–679. (ELR Order # 394. 24 pages) (NTIS Order # PB 201 564–D), August 6.

I–27: Lubbock County, *Texas*. Upgrading to interstate standards along existing route, from loop 289, north of Lubbock northerly to 1.5 miles of Monroe Overpass (6.5 miles). 5 residences and 4 businesses will be displaced. Highway project I 27–7. (ELR Order # 416 18 pages) (NTIC Order # PB 201 709–D), August 9.

U.S . Highway 287: Montague County, *Texas*. Construction of a four lane divided highway from the Clay-Montague County line along present route to FM 174, a distance of 5.8 miles. then continuing southeast a distance of 5.0 miles on a new location (10.8 miles). Highway project F 86. (ELR Order #418, 13 pages) (NTIS Order #PB–201 702–D), August 9.

I–35: Bell County, *Texas*. Construction from north of Leon River to loop 363 in Temple involves widening highway to 6-lanes, adding frontage road, etc. (3.5 miles) (ELR Order # 623, 11 pages) (NTIS Order # PB–202 127–D). August 26.

4700 South Street, 4000 West Street to I–215: Salt Lake County, *Utah*. Widening and surfacing 3 miles of highway in Salt Lake County, proposed facility is a 4-lane road. Project S–0144(9). (ELR Order 601, 28 pages) (NTIS Order # PB–202 136–D) 8/26.

S.R. 169, Maplewood Golf Course to S.R. 405: Renton, *Washington*. Realignments and improvements to S.R. 169 which is presently a winding series of bottlenecks. The improvements are in the preliminary design stages and are mentioned only as an illustration of the overall plan for this area. (ELR Order # 508, 13 pages) (NTIS Order # PB–201 858–D) 8/16.

S.R. 112, Jim Creek Bridge Replacement: *Washington*. Replacement of bridge with an arch culvert and constructing approximately 850 feet of approach roadway to the new structure. Located on SR 112 approximately 33 miles west of Port Angeles. Project C, S0533R. (ELR Order # 523, 6 pages) (NTIS Order # PB–201 991–D) 8/18.

I–90 (Argonne Road Interchange): Spokane County, *Washington*. Upgrading/relocation of portions of Argonne Road and Stout Road to include a new over-crossing structure of I–90. Highway project I–90–6( ). (ELR Order # 419, 10 pages) (NTIS Order # 201 707–D) 8/9.

U.S. Route 119 and WVA Route 3, Charleston, *West Virginia*. Construction of a high type highway with a design speed of 60 mph. beginning at intersection with WVA Route 3 in Danville and ending at the interstate near Charleston. (ELR Order # 304, 42 pages) (NTIS Order # PB–201 384–D) 7/30.

Appalachian Corridor Q, Project APD 200 (24) Bluefield Segment, Mercer County, *West Virginia*. Highway construction from the Virginia-West Virginia State line at Bluefield to the junction of Mercer County Route 34 (2.8 miles). Will displace 33 residences and 1 business. (ELR Order # 434, 60 pages) (NTIS Order # PB–201 705–D) 8/11.

S.T.H. 15: Beloit-Elkhorn Road, Rock and Walworth Counties, *Wisconsin*. Freeway construction between Beloit and Elkhorn (approximately 26 miles). Highway project F 015–1 and 1093–0–00 and 1091–0–00. (ELR Order No. 308, 18 pages) (NTIS Order No. PB–201 380–D) 7/30.

Hawthorne (US–2 Road); US 53: Douglas County, *Wisconsin*. Upgrading to freeway standards on new location between Hawthorne and the junction with US–2 (6 miles) 380 acres of land will be required. Will cross the Amnicon and Middle Rivers. (ELR Order No. 380, 11 pages) (NTIS Order No. PB–201 575–D) 8/2.

USH 45: Washington County, *Wisconsin*. Construction of a dual-lane highway to freeway standards beginning north of interchange with STH–145 and terminating north of West Bend (13 miles). It will be necessary to relocate approximately one mile of STH 143 to a feasible interchange site with the new freeway. Project F–027–1. ID 2221–1–00, ID 2221–2–00. (ELR Order No. 393, 11 pages) (NTIS Order No. PB–201 563–D) 8/6.

Milwaukee-Green Bay Road (Bellevue USH 41 Section): Brown County, *Wisconsin*. Approximately 11.7 miles of four-lane highway with a 1.5 mile fixed span bridge over the Fox River. 4 (f) determination attached since project will be constructed adjacent to a wildlife sanctuary, Bay Beach Park and Baird's Creek Park. Highway project I–57–1. (ELR Order No. 541, 21 pages) (NTIS Order No. PB–201 988–D) 8/20.

U. S. 41–I57 Road: Brown County, *Wisconsin*. Involves constructing a bridge across the Fox River and approaches beginning at Ashland Ave. in Ashwaubenon and ending at Webster Ave. in Allouez. A 4 (f) determination is attached since project will take place adjacent to a historical site and on lands planned to be incorporated in historical site expansion. Highway project F–081–1; ID 1211–1–00. (ELR Order No. 622, 26 pages) (NTIS Order No. PB–202 128–D) 8/25.

West County Line—Lake Mills Road (CTH "B"): Jefferson County, *Wisconsin*. Upgrading and widening road primarily on same alignment beginning west of Jefferson County Line and extending easterly about 4.5 miles to the junction of Rock Lake Road near Lake Mills. 4(f) report attached since project requires .6 acres of land from Rock Lake Park. Highway project S 1089(5) ID 3580–2–00. (ELR Order No. 621, 13 pages) (NTIS Order No. PB–202 129–D) 8/25.

Final

Title, descripition, and date

US–280: Shelby County, Alabama. Replacement of a 2-lane highway with a 4-lane highway between Birmingham and Chelsea (5.6 miles) Comments made by DOT, HUD, EPA. DOI and various State of Alabama agencies. Highway project F–214(9). (ELR Order #320, 30 pages) (NTIS Order #PB–201 506–F) 7/28.

I–65: Chilton County, *Alabama*. Construction of rest areas with toilets, picnic areas, etc. on north and south bound lanes 1.5 miles north of Alabama 145. Highway project I–65–2(18). Comments either supporting or stating no comment made by AEC, USDA, DOI, HEW, DOT, EPA, Army Corps of Engineers, HUD and Alabama Development Office. (ELR Order #386, 10 pages) (NTIS Order #PB–201 586–F) 8/4.

US–231: widening 1.4 miles from a 4-lane to a 6-lane facility from Drake Ave. intersection to Clinton Ave. intersection. Slip ramps to one way; frontage roads are planned. Huntsville, *Alabama*. Highway project F–216( ). Comments made by EPA, DOT, Army COE, TVA, various State of Ala. agencies, Ala. Oil Co., Standard Oil Co. and other local businesses. (ELR Order #441, 37 pages) (NTIS Order #PB–201 787–F) 8/11.

County Road 27 and 17: replacement/improvement of 7.7 miles of road in Escambia County, *Alabama*. Highway projects S–2702 ( ), S–2711 ( ), S–1660–A. Comments made by DOI, Army Corps of Engineers, DOT, EPA, HUD and various State of Alabama agencies. (ELR Order #500, 27 pages) (NTIS Order #PB–201 (865–F) 8/17.

US–80: Lowndes County, *Alabama*. Construction of 2 additional lanes from 1 mile west of Big Swamp Creek to beginning of existing 4 lanes toward Montgomery (on attached map it appears to be about 11 miles). Highway project F–139(6). Comments made by DOT, DOI, EPA, Army COE, HUD, various State of Alabama agencies. (ELR Order #534, 23 pages) (NTIS Order #PB–201 984–F).

US–31: Montgomery County, *Alabama*. Project consists of eliminating a hazardous intersection near Mosely's Store, by providing right and left turn lanes, widening shoulders, flattening slopes, etc. (about .7 mile). Highway project F–205( ), S–283–D. Comments made by DOT, DOI, AEC, Army COE, USDA, EPA, Commerce and various State of Alabama agencies. (ELR Order #545 24 pages) (NTIS Order #202 059–F) 8/19.

Western Bypass: Coffee County, *Alabama*. Construction of 6.6 miles of highway on new location in Enterprise. Highway project S–319–D. Comments made by DOI, DOT, USDA, Army COE and Alabama Development Office. (ELR Order #652, 16 pages) (NTIS Order #PB–202 062–F) 8/20.

US–31: Birmingham, *Alabama*. About 0.7 mile of highway construction between 37th Ave. and 41st. Highway project FAUP U–UG–56(6). Comments made by HUD, Army COE, DOT, EPA, DOI, City of Birmingham and various State of Alabama agencies. (ELR Order #561, 30 pages) (NTIS Order #PB–202 070–F) 8/20.

FAS Route 09: Chilton County, *Alabama*. Paving and widening route from Alabama Highway 183 near the Chilton-Perry County line to a point on the Chilton-Bibb County line (2.8 miles). Project lies within Talladega National Forest. Highway project S–1109 (101). Comments made by Chilton County, DOI, AEC, USDA, DOT, Army COE, Commerce, EPA, HUD and various State of Alabama agencies. (ELR Order #632, 37 pages) (NTIS Order #PB–199 576–F) 8/26.

US–231: widening, realigning and grading of 3.2 miles of highway in Troy, *Alabama*. Part of over-all project to improve highway between Dothan and Montgomery. Highway project F–219(6). Comments made by DOT, DOI, EPA and State of Alabama. (ELR Order #629, 16 pages) (NTIS Order PB–202 149–F) 8/26.

Project S–068–0(17): *Alaska*. Upgrading/reconstruction of roadway between the North Fork of the Tolovana River on the Elliott Highway and Manley Hot Springs Rd., southwest of Livengood on new location. No comments received. (ELR Order #499, 48 pages) (NTIS Order PB–201 873–F) 8/17.

Kodiak, *Alaska*. Construction of 3.7 miles of 2-lane gravel road. Purpose: provide an all-weather road to the water-shed of Monashka Creek, where a city water supply reservoir will be built. Highway project S–0391 (2). Comments made by DOT, State of Alaska, DOI, USDA. (ELR Order #499, 48 pages) (NTIS Order PB–201 873–F) 8/17.

Kodiak, *Alaska*. Construction of 3.7 miles of 2-lane gravel road. Purpose: provide an all-weather road to the water-shed of Monashka Creek, where a city water supply reservoir will be built. Highway project S–0391 (2). Comments made by DOT, State of Alaska, DOI, USDA. (ELR Order #361, 29 pages) (NTIS Order #PB–201 498–F) 8/4.

Kodiak Naval Air Station Highway Improvement, *Alaska*. Construction of 9.5 miles of two 12-ft. lanes, all within the Naval Station. Purpose: provide efficient travel from Kodiak to the commercial air terminal on the Naval Station. Highway projects S–0391(4) and F–011–1(9). Comments made by DOI, DOT, HUD, Alaska Conservation Society, and various State of Alaska agencies. (NTIS Order #PB–201 796–F) 8/11.

Nenana-Fairbanks Highway: Ester, *Alaska*. Reconstruction of roadway between Ester and 25 miles west of Ester on the Fairbanks to Nenana Highway. Highway project F–037–1 (25). Comments made by DOI, DOT, various State and local agencies of Alaska. (ELR Order #615, 59 pages) (NTIS Order #PB–202 145–F) 8/26.

Oak Street-Hill Street Section of Phoenix-Globe Highway (US–60): Gila County, *Arizona*. Realignment to eliminate downtown congestion. Highway Project F–022–3–202. Comments made by HUD and the Office of the Mayor of Globe. (ELR Order #456, 15 pages) (NTIS Order #PB–201 779–F) 8/10.

State Highway Route 177: Pinal County, *Arizona*. (Winkleman-Superior Highway, Superior south section) Replacement of 3 miles, from US–60 south, of old stretch of SR–177 that has poor horizontal and vertical alignment. Project falls within the boundaries of the Tonto National Forest. Highway project S–316–505. Comments made by USDA, DOI, and Arizona Game and Fish Dept. (ELR Order #463, 12 pages) (NTIS Order #PB–201 793–F) 8/11.

SH–64: (Williams Grand Canyon-Cameron Highway) (Dead Indian Canyon Section): Coconino County, *Arizona*, New alignment of 2 miles as part of facility providing access to south rim of the Grand Canyon from the east. Some scarring of natural landscape will occur. Highway project FLH–033–1(2). Comments made by Arizona State Museum, HUD, DOI, USDA, and various State of Arizona agencies. (ELR Order #465, 18 pages) (NTIS Order #PB–201 797–F) 8/11.

I–19: Santa Cruz County, *Arizona*. (Otero-Carmen section of the Nogales-Tucson Highway) Construction of 4.8 miles of highway. Study is in progress on where highway should be located in vicinity of the confluence of Josephine Wash and Santa Cruz River. Highway project I–19–1(25). Comments made by DOI. (ELR Order #454, 16 pages) (NTIS Order #PB–201 785–F) 8/11.

I–17: Yavapai County, *Arizona*. (Copper Canyon to McQuireville section of the Cordes Junction to Flagstaff Highway) 5.4 mile project crosses northwest corner of Montezuma Castle National Monument. Involves building a new road for northbound lanes, etc. Highway project I–17–1(48). Comments made by Arizona State Museum, DOI, DOT, USDA. (ELR Order #447, 23 pages) (NTIS Order #PB–201 773–F) 8/11.

I–10: Ehrenberg-Phoenix Highway (Perryville Rd. to Bullard Rd., Bullard Rd. to 107th Ave., 107th Ave. to 67th Ave.): Maricopa County, *Arizona*. Involves construction of 14.8 miles of 4-lane highway through desert, agricultural and rural residential areas. Highway projects I–10–2(34), I–IG–10–2(37), I–10–2(40). Comments made by HUD, USDA, DOI and Arizona Game and Fish Dept. (ELR Order #460, 19 pages) (NTIS Order #PB–201 777–F) 8/11.

I–40 (Flagstaff-Holbrook Highway): Navajo County, *Arizona*. Joseph City Interstate section. About 4.1 miles of construction of grade and drain. Highway project I–40–4(49). Comments made by Arizona Game and Fish Dept. (ELR Order #483, 13 pages) (NTIS Order #PB–201 868–F) 8/13.

I–19 (Nogales-Tucson Highway): Santa Cruz and Pima Counties, *Arizona*. Construction of 4 sections of highway (Tubac, Amado, Canoa Ranch, Canoa Ranch-Continental). Runs from a point just north of Carmen on US–89 northerly to a point just south of Green Valley (20 miles). Federal Aid Highway project nos. are, respectively: I–19–1(29), I–19–1(32), I–19–1(41), I–19–1(57). Comments made by DOI. (ELR Order #486, 23 pages) (NTIS Order #PB–201 866–F).

I–40 (Kingman-Ash Fork Highway): Mohave County, *Arizona*. 2 sections are covered: Lookout Wash and Yavapai County Line-West. New alignment for I–40 between Kingman and Ash Fork. Involves construction of 9.7 miles of 38-ft. wide road across prime antelope and deer country. (Will replace dangerous section of US–66). Comments made by HUD, DOI and Arizona Game and Fish Dept. Highway projects I–40–2(41) & I–40–2(44). (ELR Order #524, 24 pages) (NTIS Order #PB–201 982–F) 8/17.

I–40 (Hualapai Mountain Park): Mohave County, *Arizona*. Construction of a 4-lane secondary highway to serve as a primary means of access between isolated districts of both north and south Kingman and the central business district. Highway projects US–356(4) (Kingman City limits to US–66); US–356(2) (US–66 to Detroit Ave.), US–356(*) Detroit Ave. to I–40 T.I.). Comments made by DOI. (ELR Order #533, 28 pages) (NTIS Order #PB–200 190–F) 8/19.

US–65: construction of 21.8 miles of 4-lane divided highway between Little Rock and Pine Bluff, *Arkansas*. Highway project F–025–2(24). Comments made by DOI, DOT, State of Arkansas. (ELR Order #362, 31 pages) (NTIS Order #PB–201 503–F) 8/2.

I–40: Pulaski County, *Arkansas*. Construction of a safety rest area adjacent to eastbound lane 3.5 miles east of Morgan interchange. Highway Project I–40–3(59). Comments made by HEW, DOI, and METRO-PLAN. (ELR Order #466, 11 pages) (NTIS Order #PB—201 775–F) 8/11.

US–67: White County, *Arkansas*. Construction of US–167 on new location from south end of present Searcy Bypass to junction with existing US–67–167 north of Bald Knob (13.6 miles). Highway projects 201–3(15) & 021–3(24). Comments made by DOI, Commerce and various State of Arkansas agencies. (ELR Order #575, 23 pages) (NTIS Order #PB–202 061–F) 8/20.

Route 13 (Dover Bypass): Kent County, *Delaware*. Construction of a bypass beginning at existing Route 13 north of Woodside, curving northerly to west of Dover. Also construction of a connecting spur from Frederica to Woodside. Length of two projects about 19.8 miles. Highway projects F–89(23), F–106–12, & F–116(14). Comments made by HUD and State Clearing House. (ELR Order #530, 38 pages) (NTIS Order #PB–199 587–F) 8/17.

I–20–1: Haralson & Carroll Counties, *Georgia*. Completion of construction of 4-lane highway between the Alabama State line and SR–61 in Villa Rica. Involves 2 projects—I–20–1(23) 00 is 11.4 miles long and I–20–1(27)11 is 12.3 miles long (total distance 23.7 miles). Comments made by DOT, USDA, EPA, Army COE, DOI, HUD and various State of Georgia agencies. (ELR Order #318, 44 pages) (NTIS Order #PB–201 505–F) 7/29.

I–85: Troup-Meriwether Counties, *Georgia*. Completion of construction between SR–219 in Troup County and FAS Route 2016 in Meriwether County. On new location, it will involve 19.7 miles of 4-lane limited access highway. Highway projects I–85–1(44)20 & I–85–1(33)12. Comments made by USDA, HUD, Army COE, DOI, EPA and various State of Georgia agencies. (ELR Order #432, 22 pages) (NTIS Order #PB–201 684–F) 8/6.

East First Street Extension: 1.6 miles of realignment and upgrading, partly on new location. From intersection of SR–53 and Ross St. to Church St., Rome, *Georgia*. Highway project SU 1778(1). Comments made by EPA, DOT, HUD, various State of Georgia agencies and local city organizations. (ELR Order #457, 25 pages) (NTIS Order #PB–201 780–F) 8/11.

I–185–1: construction of 35 miles of freeway from north of Columbus to I–85, Troup, Harris, Muscogee Counties, *Georgia*. Purpose: to provide access from Columbus to the interstate highway system. Highway project I–185–1(63). Comments made by DOI, HUD, USDA, Army COE, EPA and various State and local Georgia agencies. (ELR Order #536, 69 pages) (NTIS Order #PB–201 983–F) 8/19.

I–75: Atlanta, *Georgia*. Construction of 2 additional lanes (making it a 8-lane highway) beginning just south of North Ave. and terminating near 16th St. (1.5 miles). Parts of 3 educational institutions will be required for right-of-way. Highway projects I–75–2(41) UL–75–2(52). Comments made by EPA, HUD, DOT, DOI, various State of Georgia agencies, City of Atlanta and a concerned citizen. (ELR Order #618, 62 pages) (NTIS Order #PB–202 148–F) 8/26.

K–10: Johnson County, *Kansas*. Realignment of 7.5 miles of highway from ¾ mile south of DeSoto to just southeast of K–7 (part of a connection between Kansas City and Lawrence). Highway project 10–46 F–078–6(16). Comments made by USDA, DOI, Army COE, EPA and various State of Kansas agencies. (ELR Order #327, 22 pages) (NTIS Order #PB–201 507–F) 7/28.

US–75: Osage & Coffee Counties, *Kansas*. Involves 4 projects to upgrade highway from its junction with US–50 to a point north and east of Melvern Reservoir, including a connection with I–35 (about 10 miles). Highway projects F–063–2(23), F–603–2(25), F–063–3(1) & K–1035(4). Comments made by DOT, FPC. Commerce, DOI, EPA, Army COE, USDA, HEW, various State of Kansas agencies, and concerned citizens. (ELR Order #429, 88 pages) (NTIS Order #PB–201 794–F) 8/9.

US–69: construction of between 2 and 3 miles of 4-lane highway within the cities of Overland Park, and Lenexa, *Kansas*. Highway project 69–46 U–083–3(22) Parts I & II. Comments made by HEW, DOI, USDA, Army COE, AEC, various State of Kansas agencies and a large number of concerned citizens. (ELR Order No. 514, 49 pages) (NTIS Order No. PB–201 874–F) 8/11.

US–156 & US–283: Hodgeman County, *Kansas*. Most construction is upgrading intersection of US–156 & US–283, involving a change in grade, alignment, 2 new bridges and adequate right-of-way near Jetmore. Highway projects 156–42 F 062–1(10) & 283–42 F 021–2(4) Parts I & II. (ELR Order No. 526, 23 pages) (NTIS Order No. PB–201 987–F) 8/17.

K–119: Washington County, *Kansas*. From Greenleaf, .8 miles south to an intersection with K–9 & K–15. Highway project 119–101 S 115(14). Comments made by USDA, HEW,

DOI, Army COE, EPA and various State of Kansas agencies. (ELR Order No. 528, 26 pages) (NTIS Order No. PB–201 980–F) 8/17.

US–283: Graham County, *Kansas*. Upgrading .8 mile in and near Hill City. Highway project 283–33 F–021–3(7). Comments made by EPA, USDA, DOI, DOT, and various State of Kansas agencies. (ELR Order No. 535, 27 pages) (NTIS Order No. PB–201 985–F) 8/19.

21st Street: Tyler St. to AT&SF Railroad Tracks, Topeka, *Kansas*. Widening to provide for 4 lanes, etc. Highway project 89–T–4005 (1). Comments made by EPA, HUD, DOI, USDA, Army COE, HEW and various State of Kansas agencies. (ELR Order No. 590, 23 pages) (NTIS Order No. PB–199 143–F) 8/23.

I–35: proposed 27.4 miles of 4-lane divided highway in Wright and Franklin Counties, *Iowa*. Purpose: to link 2 existing sections of the Interstate system. Highway project I–35–6. Comments made by DOT, DOI, EPA, HUD, USDA, and various State of Iowa agencies and concerned citizens. (ELR Order No. 462, 22 pages) (NTIS Order No. PB–201 776–F) 8/10.

Jefferson Freeway: Jefferson County, *Kentucky*. Freeway segment from just south of Louisville-LaGrange Rd. to just south of Westport Rd. Highway project F–552(8). Comments made by HUD, DOI, DOT. (ELR Order #328, 21 pages) (NTIS Order #PB–201 508–F), 8/28.

Kentucky 864 (Poplar Level Road): Jefferson County, *Kentucky*. Widening 3.95 miles. Highway project SP 56–28 U 553(2). Comments made by HUD, DOT, and the Metropolitan Council of Governments. (ELR Order #446, 15 pages) (NTIS Order #PB–201 789–F), 8/11.

US–90: St. Landry Parish, *Louisiana*. Construction of 2.5 miles from Eunice Country Club to 12th St. in Eunice. Highway project FAP F–199(15) and State highway project 12–11–20. Comments made by Commerce, DOI, HEW, AEC, USDA & various State of La. agencies. (ELR Order #589, 28 pages) (NTIS #PB–202 060–F), 8/23.

US–165: upgrading and improving existing 2-lane highway to a divided 4-lane highway. From south of the US–165—US–80 interchange in Monroe to SR–2 in Sterlington. *Louisiana*. Highway projects F–U–204(6), F–204(7), F–204(8). Comments made by USDA, Commerce, DOT, DOI, FPC, AEC and various State of Louisiana agencies. (ELR #449, 39 pages) (NTIS Order #PB–201 783–F), 8/11.

Route 632: Washington County, *Maryland*. Proposed location of the Norfolk and Western Railway grade elimination structure. Highway project USG 9613(1). Comments made by various State of Maryland agencies. (ELR Order #464, 13 pages) (NTIS Order #PB–198 863–F), 8/11.

I–69: Clinton & Shiawassee Counties, *Michigan*. Construction of highway from I–96 across the north side of the Lansing-East Lansing Metropolitan area. The 2 segments of construction consist of one corridor west of existing US–27 and one corridor east of existing US–27. Highway project I–69–3. Comments made by USDA, DOI, DOT and various State of Michigan agencies. (ELR Order #331, 35 pages) (NTIS Order #PB–201 504–F), 7/28.

SR–15 (*Mississippi* Highway): relocation of highway between interchange with I–20 and a point on SR–15, 3.5 miles south (around the east side of Newton). Highway project SP 0022–2(18). Comments made by Army COE, HUD and State Clearinghouse. (ELR Order #384, 12 pages) (NTIS Order #PB–201 584–F) 8/4.

SR–57: between I–10 and US–90 in Jackson County, *Mississippi*. Upgrading of existing route from 2 to 4 lanes. Highway project S–0119(12)A. Comments made by Army COE, HUD, USDA, various State of Mississippi agencies and State Clearinghouse. (ELR Order #461, 31 pages) (NTIS Order #PB–201 792–F) 8/11.

SR–13 in Lamar and Pearl River Counties between the N.O & N.E. Railroad in Lumberton to the SR–13 interchange on I–59, *Mississippi*. Reconstruction of narrow, deteriorating section. Highway project F–23–1C27. Comments made by Army COE, HUD and State Clearinghouse. (ELR Order #467, 14 pages) (NTIS Order #PB–201 798–F) 8/11.

SR–39: Lauderdale County, *Mississippi*. Relocation of SR–39 approximately 5.5 miles. Highway project SP–025–2(3). Comments made by USDA, HUD, Army COE, East Central Economic Development District, Inc. and State Clearinghouse. (ELR Order #445, 13 pages) (NTIS Order #PB–199 144–F) 8/11.

US–49: construction of 25 miles of 4-lane highway from Jackson, *Mississippi* to 2 miles north of Bentonia. With exception of the location of road through Flora and Bentonia, the existing 2-lane road will be used. Highway projects SP–0008–3(8), SP–0008–3(9) & SP–0008–4(7). Comments made by HUD, Army COE, and various State of Mississippi agencies. (ELR Order #616, 33 pages) (NTIS Order #PB–201 147–F) 8/26.

SR–15: Neshoba and Newton Counties, *Mississippi*. About 5 miles of highway relocation. New facility will ultimately be 4 lanes. Highway project FAP 022–2. Comments made by Army COE & HUD. (ELR Order #631, 10 pages) NTIS Order #PB–198 867–F) 8/26.

I–89: Sutton Rest Area, on southbound lanes in Sutton, *New Hampshire*. Highway project I 89–1(106)25, P–1410. Comments made by HEW, HUD & DOI. (ELR Order #442 12 pages) (NTIS Order #PB–198 857–F) 8/11.

New Zealand Road—Route 107: Seabrook, *New Hampshire*. Improving alignment, etc. of 1.7 miles. Highway project S 68(3); S–1544. Comments made by USDA, DOI, Commerce, and DOT. (ELR Order #443, 21 pages) (NTIS Order #PB–198 978–F) 8/11.

SR–32: improvement from 13.5 miles south of Gallup to Gallup, *New Mexico*. Highway projects S–1300(14) & (15). Comments made by DOI, various State of New Mexico agencies. (ELR Order #357, 12 pages) (NTIS Order #PB–199 014–F) 8/4.

Lockport Expressway, Sections I, II, III: Amherst, *New York*. Involves construction of 7 miles of freeway entirely within Amherst (from I–290 between the Niagara Falls Blvd. and Millersport Highway interchanges to New Road). Purpose: relieve congestion. Comments made by HEW & DOT. (ELR Order #450, 24 pages) (NTIS Order PB–201 774–F) 8/11

SH–258 (Peru Bridge): construction of a new bridge over Little Ausable River and improvement of approaches. Peru, Clinton County, *New York*. Highway project PIN 7130.04. Comments made by EPA, HUD, USDA. (ELR Order #630, 20 pages) (NTIS Order #PB–200 037–F) 8/26.

Railroad Separation & Street Connection: Grand Forks, *North Dakota*. Project begins at the intersection of 6th Ave. south and Washington St. and ends near South 5th & 4th Streets on Demers Ave. (.8 mile). Highway project F–FG–6–802(01)002. Comments made by DOI, HUD and North Dakota State Outdoor Recreation Agency. (ELR Order #527, 18 pages) (NTIS Order #PB–199 321–F) 8/17.

SH–13: Richland County, *North Dakota*. Adding 2-lanes, making 4-lane divided facility, between I–29 and Wahpeton (12 miles). Highway project F–8–013(02)179. Comments made by HUD, DOI, and various State of North Dakota agencies. (ELR Order #633, 21 pages) (NTIS Order #PB–202 152–F) 8/26.

US–69: *Oklahoma*. Relocation/construction of freeway from Summit northeasterly 20.9 miles to SH–51 at Wagoner. Highway project F–593. Comments made by Oklahoma State Grant-in-Aid Clearinghouse. (ELR Order #385, 12 pages) (NTIS Order #PB–198 837–F) 8/4.

Athens County Road C–23: *Ohio*. Construction of a 2-lane facility with truck passing lanes from intersection with US–33 and Athens Township Rd. T–251 (3.5 miles). No problems or objections have been raised in the coordination with local, State or Federal agencies. Highway project S–1611(1). (ELR Order No. 358, 7 pages) (NTS Order PB–199 571–F) 8/2.

SR–95 to Blaine Avenue., SR–US30S to Blaine Ave.: west side of Marion, *Ohio*. Replacement of 2-way roads with multiple lane highway and separation of major railroad crossings. Between 99 and 134 residences will be taken. Highway project MAR–95–11.54, MAR–302–15.22, MAR–30S–15.82. Comments made by DOI. (ELR Order No. 359, 10 pages) (NTIS Order No. PB–201 497–F) 8/2.

Pleasant Valley-Green Timber Road Section, Oregon Coast Highway: Tillamook County, *Oregon*. Length: 3 miles. Some parts on new alignment (most follows US–101). Comments made by several State and local agencies of Oregon, private citizens, DOI, HUD, DOT. (ELR Order No. 356, 35 pages) (NTIS Order No. PB–201 469–D) 8/2.

Legislative Route 1126: Erie County, *Pennsylvania*. Purpose: to provide connection for So. Tier Expressway to I–90. Corridor's total length is 11.3 miles at a construction cost of $18,620,000. An alignment to be developed to avoid encroachment on State Game lands. Comments made by USDA, DOT, DOI, HUD, various Commonwealth of Pennsylvania agencies (ELR Order No. 355, 24 pages) (NTIS Order No. PB–201 495–F) 8/2.

Southeastern Beltway: Richland & Lexington Counties, *South Carolina*. Proposed multi-lane freeway from I–26 (just south of US–301) to an interchange with S.C. Route 555 (about 19 miles). Purpose: a circumferential freeway around the Columbia area. About 157 residences would have to be removed (⅔'s are mobile homes) and about 40 businesses. May be property value depreciation in some middle and upper middle class neighborhoods. Highway project U–045–1. Comments made by HUD, S.C. Wildlife Resources Dept., and Greater Columbia Chamber of Commerce (ELR Order No. 317, 33 pages) (NTIS Order No. PB–201 491–F) 7/28.

Road S–145 (Burtons Lane): Charleston County, *South Carolina*. Upgrading .3 mile of road in northern section of Charleston Peninsula. Highway project NAD–14 (1). Comments made by HUD, DOT & S.C. Wildlife Resources Dept. (ELR Order No. 330, 20 pages) (NTIS Order No. PB–201 492–F) 7/28.

US–76: widening of highway to make it a 4-lane facility. Begins at S–83 in Timmonsville, *South Carolina* and ends at Jefferies Creek near Florence (about 8 miles). Comments made by HUD, City of Florence and Pee Dee Development and Planning Comm. (ELR Order No. 403, 13 pages) (NTIS Order No. PB–201 685–F) 8/4.

S.C. 61: Charleston County, *South Carolina*. Upgrading to a multi-lane highway from S.C. 171 to just beyond S.C. 7 at Wallace School Rd. (1.5 miles). Located partially in West Ashley section of Charlesto. In draft statement had planned to extend highway to point near Ashley Hall Plantation (2.7 miles) thereby involving the destruction of a number of old oak trees. Comments made by HUD, DOT, and County of Charleston. (ELR Order No. 407, 25 pages) (NTIS Order No. PB–201 678–F) 8/6.

South Carolina Route 11 Extension: construction of about 20 miles of highway on a new location from S.C. 28 at West Union, *South Carolina* to I–85 near Fair Play. Purpose: to provide a scenic route through Oconee County as well as provide a primary access route from I–85 to completed portion of S.C. 11. Highway Project APL–5007 (001). Comments made by Army COE, HUD, South Carolina Appalachian Regional Planning and Development Comm. (ELR Order No. 445, 16 pages) (NTIS Order No. PB–201 781–F) 8/10.

South Carolina Route 41: Johnsville to

Hemingway, *South Carolina*. Widening segment to 4-lanes (about 5 miles). Comments made by HUD and Town of Johnsonville. (ELR Order No. 451, 13 pages) (NTIS Order No. PB–201 786–F) 8/11.

US–321: widening road (4-lane) from I–20 to point near Crane Creek Elementary School (2.7 miles) Richland County, *South Carolina*. Comments made by HUD, Central Midlands Regional Planning Council and Greater Columbia Chamber of Commerce. (ELR Order No. 453, 15 pages) (NTIS Order No. PB–201 782–F) 8/11.

US–81: Codington County, *South Dakota*. Upgrading from US–212 in Waterton north on US–81 (for about 3 miles) then east to an interchange on I–29 (about 2.5 miles). Involves grading, surfacing and curb and gutter. Highway project F 053–7. Comments made by DOT, DOI, HUD, USDA, EPA and the Small Business Adm. (ELR Order No. 404, 18 pages) (NTIS Order No. PB–201 679–F) 8/4.

From I–29 to SR–13: Brookings County, *South Dakota*. Reconstruction of 8.5 miles. Involves grading, widening, a new bridge over Medary Creek, etc. Highway project S–5271. Comments made by DOI, USDA, HUD, EPA, Commerce. (ELR Order No. 485, 15 pages) (NTIS Order No. PB–201 876–F) 8/13.

SR–34: Hamblen County, *Tennessee*. Widening of route to 5 lanes on south side between point near Thompson Creek and Jaybird Road (1.1 miles). Highway project–F–034–1(37). Comments made by Army COE, DOI, HUD, USDA and various State of Tennessee agencies. (ELR Order # 319, 22 pages) (NTIS Order # PB–201 494–F) 7/29.

SR–53: Jackson County, *Tennessee*. Begins at junction of SR–85 with SR–53 and extends northwesterly 8.6 miles to south of the Clay County line. Purpose: better alignment of existing road, to promote industrial and recreational growth of this economically depressed region. Highway project APD–063–2( ). Comments made by Army COE, TVA, DOT, USDA, various State of Tennessee agencies. (ELR Order # 402, 11 pages) (NTIS Order # PB–201 683–F) 8/4.

SH Loop 9: Dallas County, *Texas*. Construction of 22.9 miles of controlled access highway from I–20 north to Denton Tap Road. 149 families, 551 individuals and 8 businesses will be displaced. Comments made by Commerce, HEW and various State of Texas agencies. (ELR Order # 574, 27 pages) (NTIS Order # PB–202 788–F) 8/23.

SA#1: Lyndon, *Vermont*. Slight realignment to provide safe intersection with US–5. Involves rerouting of vehicular traffic around covered bridge. Bridge to be retained for pedestrians. Highway project S 0254( ) SA & SAB 7101. Comments made by DOI and DOT. (ELR Order # 440, 21) (NTIS Order # PB–201 788–F) 8/11.

SR–291: Campbell County, *Virginia* (west of Lynchburg). Also known as Northwest Expressway. Construction of 4-lane divided highway on new location from junction of Route 460. (State projects 0291–015–102, PE–101, RW–201, C–501. Federal highway project F–0381(6)). Comments made by DOI and Virginia Planning District Commission. (ELR Order # 458, 8 pages) (NTIS Order # PB–201 778–F) 8/11.

SR–6: Goochland County, *Virginia*. Widening of 5.6 miles of present road from 2 to 4 lanes. From the Henrico-Goochland County line west. Highway project S–528( ). State highway project 006–037–108, PE, 101, RW 201, G. 501. Comments made by several Commonwealth of Virginia agencies (ELR #360, 8 pages) (NTIS Order #PB–200 321–F) 8/2.

SR–101 (Evergreen Parkway): construction of a 4-lane parkway from existing SR–101 northerly to Evergreen State College, *Washington* (1.9 miles). Highway project FAS 1069. Comments made by DOT, HUD, DOI, Commerce and various State of Washington agencies. (ELR Order #329, 30 pages) (NTIS Order #PB–201 509–F) 7/28.

I–182: Franklin County, *Washington*. Construction of 1.5 miles in vicinity of SR–12 and SR–395 interchange. Comments made by EPA, DOT, Army COE, HUD and various State of Washington agencies. (ELR Order #525, 19 pages) (NTIS Order #PB–201 981–F) 8/17.

Elma Rest Area: *Washington*. Construction of a rest area on SR–8 on the westbound lane identical to rest area on eastbound lane. Grays Harbor County, Washington. Highway project F–010–1. Comments made by EPA, HUD, USDA and various State of Washington agencies. (ELR Order #563, 16 pages) (NTIS Order #PB–202 063–F) 8/20.

S.T.H. 13: Taylor County, *Wisconsin*. Reconstructing 6.1 mile segment of arterial highway from point ¾ mile south of Chelsea to Taylor-Price County line. Involves relocation around Westboro. Highway project 1610–00; F 04–4 ( ). Comments made by USDA, DOT, DOI and various State of Wisconsin agencies. (ELR Order #405, 17 pages) (NTIS Order #PB–198 680–F) 8/5.

Lake St.-Johns St. Bridge: Eau Claire, *Wisconsin*. Replacement of Grand Avenue bridge over the Chippewa River structure and approaches. Under Section 4(f), approval has been given by the Secretary of DOT for an approach street that will be constructed on a portion of Owen Park. Comments made by Army COE, DOI, DOT, various State of Wisconsin agencies. Highway project S 0150. (ELR Order #408, 28 pages) (NTIS Order #PB–201 682–F) 8/9.

S.T.H. 69: (Illinois State line-Monroe Road). Reconstruction of 5.6 miles of road between Wisconsin-Illinois State line and Monroe, *Wisconsin*. Involves relocation of 1.2 miles. Project requires 156 acres of agricultural land. Highway project F 036–1(21). Comments made by USDA, DOI, DOT, HUD and various State of Illinois and Wisconsin agencies, and also City of Monroe. (ELR Order #452, 21 pages) (NTIS Order #PB–201 784–F) 8/11.

Washburn County Trunk Highway "A": Wisconsin. Upgrading about 3 miles of existing road. Highway project FAS 0761( ) ID–8803–1–00. Comments made by DOI, DOT, USDA, State of Wisconsin Natural Resource Dept. (ELR Order #459, 15 pages) (NTIS Order #PB–201 791–F) 8/11.

Riverton-Hudson Road: Fremont County, *Wyoming*. Construction of 4-lane highway from 1 mile south of Riverton to 1 mile east of Hudson, *Wyoming*. Purpose: to reduce high rate of pedestrian–vehicle and animal–vehicle accidents on existing local travel road. Highway project PSF–5895. Comments made by DOT, DOI, Commerce, Army COE, EPA and various State of Wyoming agencies. (ELR Order #564, 21 pages) (NTIS Order #PB–202 064–F) 8/20.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653(f).—These statements cannot be ordered through NTIS.

Title and Description, and Date

SR–252: San Diego, *California*. Highway construction requires .15 acres of Southcrest Park. (ELR Order #345, 3 pages) 8/2.

US–101: Mendocino County, *California*. Highway construction requires the use of land from Standish–Hickey State Recreation Area. (ELR Order # 613, 2 pages) 8/25.

SR–A–1–A: Ft. Pierce, *Florida*. Highway construction requires use of 2 acres from Indian River Memorial Park. (ELR Order #488, 4 pages) 8/13.

Forest Highway Project FH–24–2(2), Banks-Lowman Highway: Boise County, *Idaho*. Highway construction requires use of 2.8 acres from Hot Springs Campground. (ELR Order #624, 5 pages) 8/26.

Project SU–1639(104): Sangamon County, *Illinois*. Highway construction requires use of land from Pasfield Park and Washington Park. (ELR Order #643, 6 pages) 8/27.

Colerain Expressway (US–27): Cincinnati, *Ohio*. Highway construction requires the use of ¼ acre of land from Mt. Airy Forest Park. (ELR Order #346, 3 pages) 8/2.

I–680: Youngstown, *Ohio*. Highway construction requires the use of .3 acres from Gibson Field, 6 acres from Ipe Field and 11 acres from Pine Hollow Park. (ELR Order #409, 8 pages) 8/9.

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

Title and description, and date

Early action program for a rapid transit system in Allegheny County, *Pennsylvania*. The Port Authority of Allegheny County has applied for on-going federal assistance to design, engineer and construct the following: 1) the South Hills Transit Expressway Revenue Line; 2) the South PATway for mass transit buses; 3) the East PATway; and 4) rehabilitation of rolling stock and fixed facilities for trolley routes 35 and 43. This is the first phase of a comprehensive program to provide a 60-mile county-wide rapid transit system. Comments made by USDA, HUD, DOD, DOI, EPA, various State of Pennsylvania agencies. (ELR Order #476, 45 pages) (NTIS Order #PB–201 795–F) 8/12.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1—(Conn., N.H., R.I., Mass., Puerto Rico, Me., N.J., Vt., N.Y.). Administrator: Gerald D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054. Tel: (518) 472–6476.

Region 2—(Del., Ohio, Md., W.V., D.C., Penna., Va.). Administrator: August Schofer, Rm. 1633, George H. Fallon Federal Office Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201. Tel: (301) 962–2361.

Region 3—(Alabama, S.C., Georgia, N.C., Fla., Tenn., Miss.). Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Rd., NW., Atlanta, Georgia 30309. Tel: (404) 526–5078.

Region 4—(Ill., Ky., Wisc., Indiana, Mich.). Administrator: Fred B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430. Tel: (312) 799–6300.

Region 5—(Iowa, Neb., Minn., Mo., Kan., N.D., S.D.) Administrator: John B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113. Tel: (816) 361–7563.

Region 6—(Ark., Oklahoma, La., Texas). Administrator: James W. White, 819 Taylor St., Ft. Worth, Texas 76102. Tel: (817) 334–3232.

Region 7—(Arizona, Hawaii, Calif., Nevada). Administrator: Sheridan E. Farin, 450 Golden Gate Ave., Box 36096, San Francisco, Calif. 94102. Tel: (415) 556–3951.

Region 8—(Alaska, Montana, Wash., Idaho, Oregon). Administrator: Ralph M. Phillips, Rm. 412, Mohawk Bldg., 222 Southwest Morrison St., Portland, Ore. 97204. Tel: (503) 226–3454.

Region 9—(Col., Utah, N.M., Wyoming). Administrator: William H. Baugh, Bldg. 40, Denver Federal Center, Denver, Colorado 80225. Tel: (303) 233–6721.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH AUG. 31, 1971 (BY AGENCY)

Agency	Draft [1]	Final [2]	Total [3]
Agriculture, Department of	34	79	113
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	28	23	51
Commerce, Department of	0	7	7
Defense, Department of	3	2	5
Air Force	3	0	3
Army	4	3	7
Army Corps of Engineers	131	225	356
Navy	9	0	9
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	2	8	10
Federal Power Commission	14	4	18
General Services Administration	14	13	27
HEW, Department of	1	0	1
HUD, Department of	8	6	14
Interior, Department of	43	27	70
International Boundary and Water Commission—United States and Mexico	3	2	
National Aeronautics and Space Administration	18	4	22

Agency	Draft [1]	Final [2]	Total [3]
National Science Foundation	2	0	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Tennessee Valley Authority	12	0	12
Transportation, Department of	748	271	1,019
Treasury, Department of	0	3	3
U.S. Water Resources Council	1	0	1
Total	1,083	678	1,761

[1] Draft 102's for actions on which no final 102's have yet been received.
[2] Final 102's on legislation and actions.
[3] Total actions on which final or draft 102 statements for Federal actions have been received.

Note: Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH AUGUST 31, 1971 (BY PROJECT TYPE)

	Draft [1]	Final [2]	Total [3]
AEC nuclear development	9	6	15
Aircraft, ships and vehicles	3	2	5
Airports	22	98	120
Buildings	1	4	5
Bridge permits	17	3	20
Defense systems	2	0	2
Forestry	1	3	4
Housing, urban problems, new communities	8	2	10
International boundary	4	2	6
Land acquisition, disposal	12	16	28
Mass transit	2	1	3
Mining	5	1	6
Military installations	8	1	9
Natural gas and oil:			
Drilling and exploration	5	3	8
Transportation, pipeline	4	2	6
Parks, wildlife refuges, recreation facilities	6	11	17
Pesticides, herbicides	4	10	14
Power:			
Hydroelectric	17	3	20
Nuclear	23	16	39
Other	12	1	13
Transmission	8	4	12
Railroads	1	0	1
Roads	605	160	765
Plus roads through parks	101	7	108
Space programs	8	0	8
Waste disposal:			
Detoxification of toxic substances	3	1	4
Munition disposal	1	3	4
Radioactive waste disposal	1	1	2
Recycling	0	0	0
Sewage facilities	1	4	5
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	1	20	21
Irrigation	13	7	20
Navigation	30	84	114
Municipal and industrial supply	3	1	4
Permit (Refuse Act, dredge and fill)	4	0	4
Watershed protection and flood control	109	183	292
Weather modification	7	3	10
Research and development	13	5	18
Miscellaneous	8	10	18
	1,083	678	1,761

[1] Draft statements for actions on which no final statements have yet been filed.
[2] Final statements on legislation and actions.
[3] Total actions on which final or draft statements for Federal actions have been received

EXEMPT FARMERS FROM OCCUPATIONAL HEALTH AND SAFETY ACT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to join the distinguished gentleman from Kansas (Mr. SEBELIUS) in introducing legislation to exempt small farmers from the Occupational Health and Safety Act, which requires extremely detailed safety records and inspection procedures.

Small farmers make up a large segment of the population in North Carolina's Fifth Congressional District, which I represent, and many of these farmers have indicated to me that these time-consuming, exhaustive reports on their small-scale operations, are a needless exercise in bureaucratic paper pushing. To put it in words they have used, the whole matter is "a pain in the neck."

The intent of the law was to safeguard and study the laborer's working conditions in industry. Small farm operations could not possibly have been intended for inclusion under this act.

The fact that they were included by bureaucratic directive, and not by the intent of Congress, seems quite clear to me, and the need for correcting the situation seems equally clear.

The bill we are introducing today provides that farms with three full-time employees or less shall be exempted from the recordkeeping requirements of the new Health and Safety Act.

I urge consideration of this new legislation by the appropriate committee at the earliest possible date, and I will continue to work for swift passage of this much-needed measure.

URBAN TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

SPEECH DELIVERED ON SEPTEMBER 8, 1971, BY MR. W. L. HENRY, EXECUTIVE VICE PRESIDENT, GULF OIL CORP., TO FIFTH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION IN PITTSBURGH, PA.

Not too many years ago, scientists were predicting that 21st Century Man would rarely need to leave his home. Instead of fighting congested streets and highways or putting up with overcrowded, inadequate public transportation, he would keep in touch with his office or factory by means of a high-speed, broad-band communications system.

Sitting at the console of a powerful communications terminal in his own living room, he would perform practically all of his duties by remote control. His wife would do her shopping by closed-circuit TV. Even his children would be educated from elementary school through college without once having had to actually sit in a classroom.

Imagine! After thousands of years of striving to increase his personal mobility and freedom, man would finally end up confined to his house as a prisoner of his own technology.

Life is movement. Without it, our minds and our bodies quickly disintegrate. The human body was not designed to be permanently nailed down in front of a television screen—not even a wall-sized, full-color, three-dimensional one. We must walk, run, visit new places, see new things and participate in a wide variety of interesting and challenging experiences. Only then are we really alive.

We are gathered here today to discuss urban transit and, hopefully, to share with each other the valuable lessons of our successes and disappointments in solving the people transportation problems of our respective cities and countries. Let us not forget, however, that in freeing people from the age-old restrictions of time and distance, we are perhaps doing more to enhance the quality of their lives than has ever been accomplished in the history of mankind.

In many ways, Pittsburgh is an appropriate site for these international conferences. Here you can see the whole life cycle of urban transportation—initial public indifference being replaced by awakening interest and growing public support; concrete plans and programs arising out of turmoil and controversy; local, state and federal resources being welded together to form a sturdy financial bridge; and, finally the beginning of construction on the first phase of a modern, 60-mile-long rapid transit system that will eventually serve every resident of Allegheny County.

In other cities, urban transportation has grown from infancy to adulthood in less than a decade. Here in Pittsburgh, it has taken us several decades to bring it to the point where we can now begin counting off the months until when we will start moving people on upgraded existing facilities while we build for the future.

There are a number of reasons for the long-awaited arrival of modern mass transit in Pittsburgh. In the first place, the very topography of this area defies the successful implementation of a single mode of urban transportation.

Three rivers divide the county. The approaches to the bridges which span them present innumerable opportunities for traffic jams. Beyond the rivers are high hills whose steep slopes must be tunneled. The people who will use the system and the places to which it will take them are scattered throughout the area is random concentrations of homes, stores and factories. In short, Pittsburgh comes very close to being an urban transportation planner's nightmare.

Secondly, mass transit is fair political game in most communities. Pittsburgh is no exception. Who will get the improved service first? Whose property will increase in value in proximity to the new lines? Who will be lucky enough to have a station in his own neighborhood? And so the controversy raged on and on for years. It even extended into the technological area, with the merits of various types of systems hotly debated.

Community inertia, a limiting factor in every public undertaking involving the commitment of large sums of tax money, was another obstacle that had to be overcome. Sometimes, it takes almost a crisis situation to motivate people. When traffic becomes intolerable; when buses become crowded enough; people start paying attention to appeals for mass transit planning.

We reached this point in the mid-60's, when public opinion in Pittsburgh and Allegheny County determined that something must be done to alleviate the urban transportation problem. The Port Authority of Allegheny County or "PAT" for short was established as the central governmental agency and given the responsibility for developing a solution.

The private rail, bus and trolley transportation companies which formerly attempted to collectively meet the County's public transportation needs were acquired and merged into a single unified transportation system. This existing system now includes approximately one thousand vehicles and provides basic—and I emphasize the word, "Basic"—transportation daily for more than 350,000 riders. We have invested over $30 million in recent years in upgrading this system to meet the interim public transportation needs of Pittsburgh area residents until

a permanent solution could be developed and implemented.

We have been studying our urban transportation problems in Pittsburgh for a long time. Down through the years, over a dozen comprehensive studies have been made for us by competent consulting firms. With each of these studies, we have gained greater insight into our constantly changing needs. Together, they have enabled us to formulate ambitious plans for the future with great confidence.

Pittsburgh has had to wait a long time for mass transit. But we have not wasted that time. Instead, we have used it to carefully evaluate each new technological development in the urban transportation field. We knew that the solutions to our unique problems would, at least in part, require innovative approaches to transporting large numbers of people under very difficult conditions. We studied the various types of systems adopted by other cities with more than casual interest. Could we relate Pittsburgh's problems to theirs? Would their solutions be valid here?

In the end, we had our answers. Not canned, textbook solutions to academic problems, either, but realistic, objective, workable answers to hard-nosed problems. And now that we have the answers, we're going to use them.

We call the first stage of our rapid transit developmental effort in Pittsburgh the Early Action Program. By "early action," we mean early action. We intend to move ahead very rapidly during the next few years. Now that we have the necessary funds, we are putting them to work immediately, so that the people can begin reaping the benefits from our years of planning at the earliest possible date. Early Action, in our book, means early results.

Briefly, the Early Action Program consists of the construction of an 11-mile Transit Expressway line between Downtown Pittsburgh and the South Hills section of the city and Allegheny County. Beginning near the new U.S. Steel Building, the new Transit Expressway line will use completely automatic, electrically-powered, rubber-tired vehicles to transport many thousands of residents quickly and comfortably between their homes and downtown offices, stores and entertainment centers.

The Early Action Program also calls for the construction of a four-mile-long, high-speed highway—we call it a PATway—between Downtown Pittsburgh and the South Hills area. PAT buses will use this highway and its associated tunnel on an exclusive basis to carry passengers through Mt. Washington, which looms over the Monongahela River. Another PATway, eight miles in length, will be built between Downtown Pittsburgh and the Eastern sections and suburbs of the city.

We also decided to rehabilitate the two major streetcar lines serving the South Hills. Streetcars, although severely limited in terms of capacity, have served us well over the years. We do not intend to abandon this form of public transportation until the new Transit Expressway line has been completed. We believe it is essential that public transportation users should be provided with the best possible service in the meantime.

Finally, the Early Action Program includes the acquisition and use of a reserved right-of-way on Federal Highway I–79, scheduled to serve the North Hills section of the city and Allegheny County. It is an opportunity to receive maximum public benefit from land already reserved for transportation purposes at minimum cost. The system to be employed on this leg of the overall system has not yet been determined. It could be a PATway or another Transit Expressway line. We intend to construct the most efficient system possible, considering both the terrain and the transportation needs of the people who will use it.

We estimate the cost of the Early Action Program—exclusive of the I–79 section—at $228 million. The work is underway. We have hired most of the key technical people. The final design of the Transit Expressway and PATways is more than 25 per cent completed and we are rapidly acquiring the right of way needed for construction.

The Early Action concept is based largely on the use of both innovative technology and conventional technology used in an innovative manner. When we talk of innovation, we refer to the logical and effective combination of ideas, components and technologies in a unique and innovative manner to solve a specific urban transportation problem.

For example, the Transit Expressway, developed jointly by government and private industry, represents the first entirely new concept in fixed roadway transportation since the development of the streetcar. Individual vehicles on the Transit Expressway developed for use in Pittsburgh will ride on pneumatic tires traveling over a fixed concrete roadway. This combination is in use every day on countless highways and roads around the world. In itself, it is neither new nor radical.

The Transit Expressway will be controlled entirely by computers—the same type of computers which control steel mills and other complex installations. We plan to operate the Transit Expressway without operators. Again, this is nothing new. Elevators run without operators and, in fact, our Apollo spacecraft—even though they were manned—were automated for remote control from earth in the event of an emergency.

Transit Expressway cars will be lightweight compared to the typical heavy steel wheel, steel rail cars used on other rapid transit systems. But, then again, there are large, heavy vehicles on our highways—each engineered to offer its own, distinctive advantages.

Now, put together all of these individual, tried-and-true engineering concepts into a single package and you have innovation. But remember, innovation based on proven urban transportation technology. And, although we have departed from the conventional steel wheel, steel rail rapid transit concept, we have done so while remaining on firm, technological ground. Our approach, as you know, has attracted a good deal of attention in the urban transportation field. I urge all of you to visit the demonstration line at nearby South Park while you are in Pittsburgh. Transportation has been arranged and we will be happy to assist you. Ride our system and then judge for yourself.

The PATways are equally innovative, although this may not be as readily apparent. We plan to use conventional diesel-powered buses on the PATways. The exclusive right-of-ways will enable them to completely bypass highway congestion, and thus provide urban transit users with a faster and more comfortable ride. For instance, we estimated that the PATway which will link Downtown Pittsburgh with the city's Eastern neighborhoods and suburbs will save commuters as much as 30 minutes of travel time each way or one hour per day. That extra hour will mean more time with their families, more time for recreational activities and more time to simply enjoy the advantages of suburban living—advantages now offset by the drudgery of commuting.

In developing the PATways, we plan to take advantage of every available opportunity to utilize existing transportation facilities in order to minimize our costs. For example, the Penn Central Railroad owns a major right-of-way through the hills east of Pittsburgh, but does not use all of it. In developing the PATway East, we intend to acquire some unused portions of this right-of-way and to convert it for exclusive-lane use by our buses.

Construction of this roadway will be relatively inexpensive. Thus, while we will be providing considerably improved transportation at a moderate cost, we will also be holding the right-of-way for future use by a fixed roadway system—possibly another Transit Expressway or even something third generation not yet on the production line. The point is we feel we are doing something that ought to be seriously considered by other cities—improvising.

The cost savings produced by these improvisions will reduce our initial investment and, at the same time, enable us to complete the first phase of our rapid transit system in the shortest possible time. In the meantime, our upgraded streetcar lines will continue to carry thousands of riders until the Transit Expressway is in full operation.

We have commited ourselves to the development of a modern urban transit system in Pittsburgh and Allegheny County, but we have not restricted ourselves to a single, all-encompassing system which might prove ideal in one area and a veritable disaster somewhere else. Our options are open. And we intend to exercise them in producing a multi-model system which will serve all of our needs all of the time, and for a very long time to come.

We view urban transportation as a constantly evolving animal. There are no "off-the-shelf" solutions because there are no off-the-shelf problems. Our problems—and everybody else's as far as we can tell—are homebrewed.

Pittsburghers are a very resilient people. We have a unique capacity to take it—floods, dirt, congestion, air pollution—you name it—and yet bounce back again and again, ready for more. We argue and complain a lot about our problems, but, in the end, we roll up our sleeves and get the job done.

We beat the floods in 30's, and banished the bulk of our air pollution in the 40's. In the 50's, our urban renewal programs earned Pittsburgh the name "Renaissance City." We began a frontal assault on our urban transportation problems in the 60's, and it's not over yet. We don't expect miracles. We have the answers and we're on our way.

PITT PROFESSOR SPEAKS OUT ON DOLLAR POLICY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MOORHEAD. Mr. Speaker, the University of Pittsburgh is fortunate to have on the staff in the economics department an outstanding individual who previously served with the President's Council of Economic Advisers. She is Dr. Marina Whitman.

Dr. Whitman, writing in the Pittsburgh Post-Gazette, discusses the President's action to no longer convert U.S. dollars into gold upon demand of nations holding U.S. currency.

I think my colleagues will find stimu-

lating and quite pertinent the comments of Dr. Whitman. I know I did.

I would like to put these remarks into the RECORD at this time:

WHY THE U.S. SENT SHOCK-WAVES ABROAD

President Nixon's announcement on the evening of August 15 that the United States was suspending the convertibility into gold of the dollar balances held by foreign official institutions made official what had been recognized privately for some time: the end of the international monetary system under which the world has been functioning for the last quarter century.

It was a drastic move, creating a shock-wave of surprise and resentment abroad and ushering in a period of widespread uncertainty. Each country now had to decide for itself how to play a game in which there are no longer any clear rules.

But it was also a necessary one, since the system had shown itself increasingly unable to cope with the strain placed on it. Its rules had already been effectively suspended by the floating of several major currencies. The U.S. trade and payments position was deteriorating rapidly. The nations of the world showed no signs of taking constructive steps to correct the situation.

We are now in the process of developing a new international monetary system. To be successful, such a system must start out with a major realignment of exchange rates, to reflect the realities of 1971 rather than of 1946. It was in order to obtain such a realignment (as well as to improve the U.S. trade position in the meantime) that the President imposed the temporary 10 per cent imports surcharge.

If this ploy fails, or if for any other reason such a system of import restrictions becomes permanent, the world will have taken a large step backwards.

But no set of exchange rates can remain appropriate as time passes and conditions change. Partly for this reason, the new system should provide for greater flexibility of exchange rates than the old. But because world trade needs a measure of certainty, this flexibility should be limited, and still grounded in a system of fixed—though adjustable—parities.

If we are to be able to change our exchange rate like everyone else—within the limits imposed by our sheer size and importance in world trade—then the new system must move away from the dollar as the major official reserve money and the standard to which other countries peg the values of their currencies.

The most effective system, I believe, would be based on neither gold nor any national currency, but some managed international reserve asset. Such an asset already exists, in embryonic form, in the Special Drawing Rights (SDRs) issued by the International Monetary Fund (IMF).

As SDRs grew in importance as an international standard and reserve money, the IMF would take on increasing importance as the institution for collective decision-making by the nations of the world regarding the rules of the international monetary system.

In the present state of unsettlement all things are possible. The world could easily slip back into a state of monetary disorder, without common rules but with widespread controls and barriers to international transactions.

In such a reversal of the steady liberalization and increasing cooperation of the past two decades everyone, including the United States, would lose. Or the world could move forward to construct a new international monetary order within which trade and investment would prosper and countries could pursue their national economic goals with maximum effectiveness.

At this time of decision the risks are great, but so are the possibilities.

MARINA V. N. WHITMAN.

PITTSBURGH.

ROOSEVELT SWEARING-IN SITE IS RESTORED IN BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DULSKI. Mr. Speaker, Tuesday, September 14, was the 70th anniversary of the swearing in as President of Theodore Roosevelt.

The inauguration of the new President took place in the living room of a downtown mansion in my home city of Buffalo, N.Y., after the tragic death of William McKinley.

That mansion on Delaware Avenue stands today as a national historic site dedicated to the memory of that event 70 years ago.

Through the labors of many, many people and organizations, business and social, the mansion looks today as it did on that day in September 1901, when Theodore Roosevelt returned hurriedly from a hunting trip to take over the leadership of this country.

The Theodore Roosevelt National Historic Site was dedicated at impressive ceremonies attended by many of those who have had a role in saving this property from the bulldozers and restoring it as a testimonial to our Nation's history.

I am proud to have been able to obtain the Federal legislation which authorized the acquisition of the property and its designation as a national historic site.

The ceremony was opened by a color guard from the U.S. Marine Corps, followed by an invocation by the Reverend Thomas Penney Stewart of the Westminster Presbyterian Church. The Star-Spangled Banner was played by the Clarence, N.Y., High School Band. The master of ceremonies was Peter B. Seevers, treasurer of the site foundation.

There were remarks by William W. Kimmins, Jr., president of the Theodore Roosevelt Inaugural Site Foundation; Frank D. Leavers, chairman of the fundraising committee; Crawford Wettlaufer, president of the Buffalo and Erie County Historical Society; and by myself.

Honored guests included Buffalo's mayor, Frank A. Sedita; Erie County executive B. John Tutuska; Mrs. William F. Hall, president of the Junior League of Buffalo; Chester Brooks, northeast regional director, National Park Service; and Keith Hopkins, representing the New York State Historic Trust.

The parade of visitors to the restored mansion began following the traditional ribbon-cutting by Mr. Kimmins and Mrs. Owen B. Augspurger, widow of one of the original stalwarts in support of the project.

So now, the Theodore Roosevelt National Historic Site is a reality and I am pleased by the reports I have received of the number of people who have been visiting the mansion and recognizing its role in our heritage.

Mr. Speaker, as a part of my remarks, I include several of the texts from the dedicatory ceremony:

REMARKS BY WILLIAM W. KIMMINS, JR.

The purpose for my being here this morning is to thank those who have given so generously of their time, toward the acquisition and restoration of the Wilcox Home and to assist Mrs. Owen Augspurger in the ribbon cutting ceremony of the Theodore Roosevelt Inaugural Site Foundation.

Our thanks go to the following: The Buffalo Evening News, the Buffalo Courier-Express, Alfred H. Kirchhofer, Howard W. Clothier, former Congressman Leo W. O'Brien of Albany.

The late Senator Robert K. Kennedy, former Congressman Richard D. McCarthy, Judge James L. Kane, Crawford Wettlaufer, Henry C. Bryce, Edwin F. Jaeckle.

Junior League of Buffalo, National Parks Service—Lemuel A. Garrison and Frank Barnes, Floy Taylor, Historic Trust of the State of New York; Buffalo & Erie County Historical Society and its director, Dr. Walter Dunn, Paul Redding, Curator of the Foundation.

Congressman Hugh L. Carey of New York, Congressman John P. Saylor of Pennsylvania, Congressman Durward G. Hall of Missouri, Congressman Henry P. Smith, III, of New York.

An expression of thanks to those persons and organizations for monetary contributions, will be forthcoming by one of my colleagues. Forgive us if we shall miss anyone.

Very little has been heard about the efforts, that went into acquiring the Wilcox Home. I would like to spend a few moments to tell you about three men who gave so much of their time, money and energies that made this morning's dedication possible.

I often like to quote from another great public servant, the late Alfred E. Smith former Governor of the State of New York, who said "Let's Look at the Record."

Owen Augspurger—lawyer, veteran and public servant

E. Perry Spink—Chairman of the Board of the Liberty National Bank & Trust Company

Congressman Thaddeus J. Dulski

Owen spearheaded the drive for the preservation and acquisition. It was a long and arduous task, so frustrating, it is a wonder Owen had the intestinal fortitude to carry on. No one had more of a community spirit than he.

May I read to you a passage, from a letter Owen wrote on September 17th, 1964, to Perry Spink in Zurich, Switzerland. He said: "I was sitting here this morning feeling down in the dumps and wondering what in hell to do next."

This letter was the opening wedge in the acquisition of the Wilcox Home by the Liberty National Bank and Trust Company. Through this letter to Perry Spink in Zurich was the saving of the Wilcox Home, for the owners were about to have it demolished within a few days.

I won't bore you with the financial aspects of the acquisition by the Liberty National Bank and Trust Company, but will state for the record, that the "out of the pocket" for the Liberty National Bank and Trust Company was about six figures.

The acquisition by the Liberty Bank was October 29th, 1964. The agreement of the National Parks Service and acquisition was made in May of 1969. There was a lapse of five years in which the Bank held the property.

So I say—We, the citizens of Western New York and the Nation are deeply indebted to Perry Spink and his Bank.

The next big step: The "ball" was then handed to our esteemed public servant. Congressman Thaddeus Dulski—and what a public servant he is. The work and intestinal fortitude he has shown through the years is almost beyond comprehension. No one knows all the enormous problems that emerged except our good friend, Congressman Dulski.

Thaddeus it has been an honor and a privilege to have this association with you through these years. May the Lord provide you with Good Health, and Good Fortune, so that you may continue to serve the people of this Nation as a true public servant.

In closing, I again want to refer to the late Owen Augspurger.

On the morning that Owen left on that ill-fated trip, he called me and in that soft, melodious voice of his, said, "Uncle Bill," (which he liked to call me) "Carry on while I'm away". He is still away—and carry on we did. I wonder what Owen would say if he could speak to us this morning.

REMARKS BY THE HONORABLE THADDEUS J. DULSKI

This is indeed a momentous occasion and I am glad to be able to share it with you.

A few weeks ago I heard there was a movement afoot to substitute my participation in this dedication ceremony with a higher ranking official from Washington.

I am glad that did not materialize because I wanted to be here today, and to share with you the sweet fruits of victory over odds that often seemed insurmountable in our efforts to make the Ansley Wilcox Mansion a national historic site.

It is a proud day for all of us, and the most important date for this home since 1901!

This is just not another memorial to that great President and statesman, Theodore Roosevelt. It is that, and more.

It belongs to history. In addition to being one of only four sites outside Washington, D.C. where the Presidential oath has been administered, a total of nine American Presidents are associated with this mansion.

SYMBOL OF OUR HERITAGE

It is also historically significant as an example of post colonial architecture and a majestic symbol to our American youth of their heritage.

It is a house that has grown up with Buffalo and the nation. It is as much a part of the fabric of our history as it is a part of a dynamic city. It is as much a part of our national heritage as a national forest or the Grand Canyon.

The Wilcox Mansion is a tribute to Buffalo's past, both historically and architecturally; its preservation is a tribute to its citizens who were determined to save it for future generations.

I do not need to remind those, who were close to the scene, of the bleak days during the early sixties when the bulldozer threatened to destroy this magnificent property before we had sufficient time to get legislation through the Congress.

Many, many people share in the success of this endeavor—they gave unselfishly of their time, their talents, and material possessions.

Time does not permit me to name them all.

ROLE OF E. PERRY SPINK

But there is one person to whom we might refer as the "savior" in this undertaking—Mr. E. Perry Spink of the Liberty National Bank. When our efforts to make it a national historic site were at a crawling stage, and it looked as if we could no longer stall the bulldozer from destroying the building for commercial purposes, Mr. Spink—with his usual foresight, and faith that we would succeed—came to the rescue. We owe him an immeasurable debt of gratitude.

Another individual, who worked tirelessly and unceasingly to make this day a reality, was my good friend—the late Owen P. Augspurger. Early he recognized the historic significance of this building and he left no stone unturned to save the Ansley Wilcox Mansion.

And, of course, any project such as this requires the devoted attention of organizations as the Buffalo and Erie County Historical Society and the Theodore Roosevelt Inaugural Site Foundation.

These two organizations carried on the administrative detail without which the undertaking would have been severely handicapped, and we also owe them a great debt of gratitude.

All of you who have been intimately connected with this project know the background and history of the Wilcox Home. So I will just touch briefly on some of the highlights in the legislative process which finally led to the purchase of the property by the Federal Government.

THE ROAD THROUGH CONGRESS

I am sure many of you have some inkling of the rocky road we travelled in getting my bill through the Congress.

After the introduction of my first resolution in the House, providing for the acquisition and preservation of the property as a national historic site, I was successful in persuading Congressman Leo O'Brien, Chairman of an Interior Subcommittee, to hold a hearing in Buffalo. As a result, we were assured by the three-man Subcommittee that they would do all they could to save the mansion.

We then went to Interior Secretary Udall, who had already expressed his opposition to the proposal because he felt we already had enough Theodore Roosevelt landmarks, and gave him additional information and evidence of community support. He agreed to take the issue up with the Advisory Board on National Parks, Historic Sites and Monuments, at its next meeting.

Meanwhile, the Interior Subcommittee recommended approval of the legislation. However, all efforts to obtain full Interior Committee approval failed. I then attempted to obtain passage of the bill in the House on the consent calendar which requires unanimous approval.

That attempt failed because of a Member's objection to the fact that there was on the consent calendar which requires unanimous approval.

PROSPECTS LOOK DIM

The 88th Congress adjourned, and our prospects for acquiring the Mansion were dimmer than ever, and demolition by its owner appeared certain.

It was at this point that the Liberty National Bank entered the picture which provided us with the time we needed to try again, legislatively, to make it a national historic site.

We were then faced with an urgent need to solve the problems of repair, renovation, etc. By early November of that year—1964—offers of material, labor, and service poured in. It was almost unbelievable, and proved to me once more what our city can do by working together for a common cause.

The organizations and individuals who helped deserve unstinting praise for the many ways in which they provided the wherewithal to accomplish this.

The following January—1965—Congressman O'Brien joined me in the introduction of a new bill. In February, Senators Javits and Kennedy co-sponsored a similar measure in the Senate.

Again, we were met with objections which we tried to overcome with petitions and proof of our community's interest and backing for this undertaking.

NEW PLEA TO SECRETARY UDALL

We went to Secretray Udall again and persuaded him to present the issue to the Department's Advisory Board.

By the end of 1965, we succeeded in overcoming all objections and we obtained the approval of the House Interior Committee, the Department of the Interior, and final passage in the House.

Throughout the summer of 1966, the legislation was stalled in the Senate. It was not until after we had another crucial meeting of interested Buffalonians, with representatives of the National Park Service, our two Senators, and myself, that we were able to effect a compromise on the costs of preserving this property which finally resulted in Senate passage on October 17, 1966.

However, since the Senate-passed version differed from the House-passed bill, we had to come back to the House for approval which was quickly given.

So, as you can see, it took almost four years of tender loving care to get this legislation through the Congress of the United States.

I am proud to have fathered it, and I am grateful for the help and support I received from my colleagues on both sides of the aisle.

REQUIRED HELP OF GREAT MANY

But, believe me, without the help of the dedicated persons I have referred to and the many Buffalonians who provided support and encouragement, we would not have been successful in enacting the legislation and making this day of dedication a reality.

For my part, I can say it was a challenge and an effort which I consider to be among the greatest since I have been in Congress.

Cooperation in the best American tradition was evidenced in most concrete fashion by everyone joining together for a common cause.

We are known to be a city of "good neighbors", and once again we proved that we are not only a city of good neighbors—but also a city and county with a real community spirit.

Too, I think we have done something here in the Niagara Frontier that needs to be done more throughout the nation.

Americans are too quick to do away with the old and substitute the new. True, we are a young country, comparatively speaking, and we cannot boast of cathedrals and architecture centuries old—as in Europe—but we need to preserve more of that which is old, not just for the generations living today but for those who will come after us.

MUST KEEP LINKS WITH PAST

If we are to keep alive our links with the past, we must resist the destruction of places that throw light upon our history and the development of our culture. We cannot afford to lose these buildings, sites, objects, or environment of substantive historical or cultural importance.

This is why I fought so hard to save the Ansley Wilcox Mansion.

This is Americana and it behooves all of us to awaken to the crisis that threatens our historical places and to act so that they may be saved for the future.

In closing, I want to express my personal gratitude to each and everyone without whose help we would not now have this beautiful structure. I especially want to congratulate the young people in our area who recognized the value of this project, and who helped so much to make it a success.

And I would be remiss if I did not mention the important role of our local news media—the newspapers, television, and radio—which performed a distinct public service in keep-

ing our citizenry alerted to the need to save this historic mansion.

Thank you—and God Bless You.

REMARKS BY MRS. WILLIAM F. HALL, JR.

How privileged I feel to be able to speak for all those Junior League members who made our financial participants possible and who have worked so diligently these past few years on the restoration.

The goal of our organization is to continually aim to improve the quality of life for each citizen in Buffalo.

Historically and artistically, I believe the Wilcox Mansion to be a truly magnificent contribution. I would like to thank all those people who aided us in this endeavor.

REMARKS BY ERIE COUNTY EXECUTIVE B. JOHN TUTUSKA

In dedicating this historic Wilcox Mansion—where Theodore Roosevelt was inaugurated during a grave period in our Nation's history—we also are paying a well-deserved and merited tribute to the many people, both in the public and the private sector of our community, who did so much and who worked so hard to make this red-letter day possible.

The restoration of this national historic site is a splendid example of what can be accomplished—when the efforts of Government are combined with those of dedicated citizens. We, here in the county of Erie, are proud to have had a part in this remarkable partnership and to have co-operated in the financing of the restoration project with the State and Federal Governments and the many organizations and individuals who contributed their money, time and efforts in helping make it a success.

The county's initial contribution of $15,000 is an indication of our desire to join the community in preserving for future generations the significance of this historic site and we will continue to do our share in helping make this community asset self-sustaining.

Officially, from this day on, which as you know is the 70th anniversary of Theodore Roosevelt's inauguration as the 26th President of the United States, the Wilcox Mansion will be known as the Theodore Roosevelt inaugural historic site.

But to all of us who participated directly or indirectly in this remarkable joint community effort, namely the restoration of this historic landmark, it will always be a symbol of community togetherness and a perpetual source of community pride.

I would like, on behalf of all the people of Erie County and myself personally, to express my deep appreciation as county executive to every one who co-operated in this remarkable joint community effort.

REMARKS BY MR. KEITH R. HOPKINS

It is my pleasure to represent the New York State Historic Trust. I regret that Commissioner Sal Prezioso of the State Office of Parks and Recreation and Mr. Mark Lawton, Director of the State Historic Trust seem to be in a holding pattern between here and Albany. Because unlike Mr. Leavers, I did not have four months notice that I would be asked to say a few words. However, like Mr. Leavers, I also will not speak for an hour and a half.

I think, however, I feel I can acknowledge the appreciation on the part of the State of New York, the Office of Parks and Recreation, the State Historic Trust and the Niagara Frontier State Park Commission, to be a part of this very worthwhile project.

It took an act of Legislature on the part of the State of New York to be able to participate and was done without hesitation.

I am sure that we have presented our share and so I bring nothing other than deep appreciation for our participation and I thank you for asking me to be a part of this occasion.

PROCLAMATION BY MAYOR FRANK A. SEDITA

Whereas, this day marks the official opening of the restored Wilcox residence at the Theodore Roosevelt National Historic Site; and

Whereas, on this same day of September, in the year 1901—seventy years ago—Theodore Roosevelt took the oath of office as the twenty-sixth President of the United States here in the library of the Ansley Wilcox residence, 641 Delaware Avenue; and

Whereas, by Act of Congress, the Wilcox home has been officially declared a National historic site to be forever preserved as Federal Government property, with the Theodore Roosevelt Inaugural Site Foundation as custodian; and

Whereas, today's ceremony climaxes long and tireless efforts by many dedicated and determined groups and individuals to restore the Wilcox home and preserve it as a permanent and lasting historic treasure; and

Whereas, from this day forward, the former Wilcox residence officially will be called the Theodore Roosevelt National Historic Site and will be open to the public for its enjoyment and appreciation,

Now, therefore, I, Frank A. Sedita, Mayor of the City of Buffalo, do hereby proclaim this 14th day of September 1971 as "Theodore Roosevelt National Historic Site Day" and extend the City's sincere gratitude and congratulations to all of the groups, individuals, organizations and agencies whose time, effort and contributions made this historic achievement possible.

FRANK A. SEDITA,
Mayor of Buffalo.

REMARKS BY DR. WALTER DUNN

"Auction Signifies the End for Kathryn Lawrence's. Sale Scheduled at Closed Restaurant Thursday; It's Historic Site Where T. R. Took Oath"—this headline appeared in the *Buffalo Evening News* on October 24, 1961 along with a separate plea to "Save This Landmark". Thus began the second campaign to set aside the old Wilcox Mansion as a Theodore Roosevelt Memorial.

What made this house worthy of being saved? During the 1830's the land had been leased by the federal government for the purpose of building the Poinsett Barracks. This was a period of tense relations with Canada and England and the barracks were used to house a battalion of infantry. The double house built for the use of the Commanding Officer and the surgeon was the core of the house which became the Wilcox House.

After the emergence the land was sold to private interests and all the buildings removed except the house of the Commanding Officer which was used as a residence by various leading Buffalonians.

Finally in the 1880's the house was purchased by Dexter Phelps Rumsey as a wedding present to his daughter who married Ansley Wilcox, a leading reformer, attorney and civic leader. The house was extensively modified by architect George Cary.

It was the friendship between Wilcox and Theodore Roosevelt that brought the Vice-President to the house after his return to Buffalo on September 14, 1901. McKinley had been shot at the Pan American Exposition and when his death seemed near, Roosevelt was summoned from the Adirondacks.

The inaugural, the first to take place out of the capital of the United States, took place in the library. (George Washington's were in New York City and Philadelphia when they were capitals of the United States.)

STOOD BEFORE BAY WINDOW

When Roosevelt took the Inaugural Oath he was standing before the south bay window in the library and wearing a frock coat lent by Wilcox for the occasion. Afterwards Wilcox presented the coat to the Buffalo and Erie County Historical Society to be preserved for posterity. It is now on display in the house.

Since the time of Roosevelt's inauguration Ex-President Grover Cleveland, Presidents Howard Taft and Woodrow Wilson have been guests at the home. The historic value of the Wilcox mansion is evident. Even today it remains one of the only four sites outside of Washington, D.C. where the Presidential Oath has been administered and is one of the oldest houses in Buffalo.

The first campaign to preserve the house ended in 1935 when, under the direction of Spanish War Veterans and the Veterans of Foreign Wars, the drive failed to raise $47,599 to establish a Theodore Roosevelt Institute for Better Citizenship.

The house, as a result, was sold to Oliver Lawrence who operated the Kathryn Lawrence Tea Room until 1959 when Lawrence closed the restaurant and leased the property to the Benderson real estate development interests. Thus in 1959 the Wilcox Mansion was again without occupants and faced destruction to make room for a more efficient building and parking in downtown Buffalo.

DULSKI ASKS PRESERVATION

By December, 1961, Rep. Thaddeus Dulski (D. Buffalo) had proposed the introduction of a bill to make the Wilcox Mansion a national shrine and to provide necessary funds for its operation as a permanent historic site.

The Benderson Development Co. had already made a public statement to the effect that there would be no immediate plans which might involve demolition of the building until interested parties could develop a plan to save the historic mansion.

Rep. Dulski and New York's two senators did their best to enact a bill which would provide the needed funds to acquire the Wilcox Mansion as a national historic site; however, then Secretary of the Interior Stewart L. Udall opposed the move in April 1962 on the grounds that the federal government already had various Theodore Roosevelt parks and memorials, and the Wilcox Mansion "would not add appreciably" to this group.

By this time the campaign had sufficient support in the Buffalo area with the Buffalo & Erie County Historical Society and prominent citizens working in its favor, and the two leading newspapers printing strong editorials to support the action.

The drive received further encouragement from Rep. Leo W. O'Brien of Albany who was a member of the House Interior and Insular Affairs Committee which was considering the legislation on the Wilcox Mansion.

On February 7, 1963, Rep. Dulski introduced HR 3500 which provided for the acquisition of the house as a national historic site. In reaction to the opposition of the Interior Department, an intensified public effort was made to persuade Secretary Udall to change his opinion.

OUTPOURING OF PUBLIC SUPPORT

An outpouring of mail both from the local citizenry and Congressional representatives was launched along with a public hearing conducted in Buffalo on June 17, 1963 by a sub-committee of the House Interior and Insular Affairs Committee on the proposed bill.

The result of the hearing was a unanimous vote in behalf of the legislation by numerous civic groups and individuals and the promise of the three-man sub-committee to do what it could to save the Wilcox Mansion.

Due to the wide community support expressed for the Mansion and the personal pleas of Rep. Dulski and Rep. O'Brien, Secretary Udall on August 28, 1963 said that he would ask for a further study of prospects at the November 1, 1963 meeting of the Advisory Board on National Parks, Historic Sites and Monuments.

However, on August 27, 1963 the Bender-

son Development Co. warned that it would raze the Wilcox Mansion and lease the land for a restaurant and motel unless the government decided to make the building a national historic site within thirty days.

Within three weeks of this announcement, on September 12, 1963, the sub-committee of the House Interior and Insular Affairs Committee recommended approval of the legislation. In response to this action, Nathan Benderson said, "While efforts in Washington to designate the building an historic site proceed, we will wait . . ." for the approaching meeting of the Advisory Board on National Parks.

An elaborate brochure on the Wilcox Mansion was delivered by Rep. Dulski to the National Park Service without whose approval Congress would be reluctant to appropriate funds to purchase the house. Failing to get the bill out of committee through normal procedure, Rep. Dulski attempted to obtain passage on the consent calendar which required unanimous approval.

OBJECTION IN THE HOUSE

On August 17, 1964 when the bill came up for a vote, Rep. Ford of Michigan objected due to the fact that there was no provision in the bill for local contribution or assistance in acquiring the Wilcox Mansion. The following day, Nathan Benderson confirmed that his company had obtained a city building permit to demolish the mansion.

Shocked into immediate action, a bipartisan committee of civic leaders was formed to discuss the situation and to make proposals. The Theodore Roosevelt Memorial Committee, organized in September 1964, was sponsored by the Greater Buffalo Development Foundation, the Buffalo Area Council of Boy Scouts of America, and the Buffalo & Erie County Historical Society, and was dedicated to the preservation of the Ansley Wilcox Mansion.

The best solution to the problem appeared to be the local or state purchase of the property, and it was to this end that the eight-man committee worked.

In order to gain greater attention and support for the campaign, the Young Democrats of Western New York staged a "Hike for History" on October 27, 1964, Theodore Roosevelt's birth date. About 200 western New Yorkers marched up Delaware Avenue to the Wilcox Mansion in this demonstration to preserve the building as a national historical site. Richard D. McCarthy, then a Democratic candidate in the 39th Congressional District, remarked at the rally that, "Right now, we need someone urgently . . . who will preserve this building temporarily so we can get legislation to preserve it permanently."

BANK PURCHASES PROPERTY

Two days later, on October 29, 1964 the Liberty National Bank and Trust Co. and the president of the Buffalo & Erie County Historical Society, Owen B. Augspurger, in a joint statement disclosed that the bank would be acquiring title to the property to buy time and give Rep. Dulski an opportunity to introduce another bill to preserve the house.

Following the purchase of the Wilcox House and property by the Liberty National Bank, the interested parties were faced with several immediate problems: (1) the need for labor and material to repair damage by vandals, and (2) renovation of the house to prevent further deterioration.

Winterizing, exterior painting, new roof and window installation, and some interior repairs were needed to present a "decent front" by the time the new bill was introduced in January.

By early November 1964 offers of material, labor and service were pouring in:

A review of the building and grounds and suggested lists of repairs and refurbishing to make the building more presentable and to prevent further deterioration was provided by Thomas Justin Imbs & Associates, Buffalo architects.

An offer to provide all wallpapers and installation was made by The Birge Company.

White exterior paint was donated by Pratt & Lambert.

350 man hours to brighten up the exterior were provided by Buffalo District Painters Council 4 (AFL–CIO).

Contribution of roofing materials to prevent water damage was pledged by Weaver Metal & Roofing Co.

An offer of assistance with any roofing problems were made by Jos. A. Sanders & Sons.

Broken pipes were replaced by Joseph Davis.

Oil to heat the house for the winter of 1964–65 was furnished by the Oil Heat Institute.

Any sheet steel or rods necessary for repair were offered by Stanley Steel Service.

Materials for restoration (plaster and wallboard) were offered by National Gypsum Co.

Broken windows were replaced by Sterling Glass.

Electrical repair work was offered by Frey Electric.

Urgently needed repairs were done to various parts of the building by William W. Kimmins & Son.

Service in connection with draperies was offered by Charles Griffasi.

Authentic floral pieces or arrangements of the period were offered by Hodge Florist.

A green thumb was applied to the landscaping by the Federated Garden Clubs of Western New York.

Any photography necessary was offered by Greenberg Studio.

The present large billboard on the lawn was furnished by Flexlume Sign and Winters Sign Co.

An historic site sign was offered by Whitmier & Ferris.

Maintenance services were done at cost by Harry Frank General Maintenance to remove trash from interior, rake lawns and prune bushes.

Furnco Construction Co. provided a jet plane for the flight to Washington by four civic leaders to support the Wilcox bill.

NEW EFFORT IN 1965

On January 13, 1965, two years after the first House bill was introduced and subsequently defeated, Rep. Dulski along with Rep. O'Brien introduced into the House a new Wilcox House measure with no basic changes in the text. On February 9, 1965 Sen Jacob Javits introduced a similar bill in the Senate. Sen. Robert F. Kennedy had his name added as co-sponsor.

The key objection was still that the Buffalo community had not participated sufficiently in financial support of the bill. The Theodore Roosevelt Memorial Committee sought to overcome this objection and presented Rep. Dulski with a scrapbook of newspaper clippings and offers to refurbish the Wilcox House.

The Liberty National Bank sponsored an exhibit at the Better Homes Show in April 1965 which displayed photographs of the Wilcox House as it was on September 14, 1901, and obtained thousands of signatures on a petition to preserve the historic house.

On May 20, 1965 Rep. Dulski and a group of interested Congressmen met with Interior Secretary Udall to urge his backing of the campaign. Sec. Udall said he was impressed by the local community interest shown in preserving the house and would re-study the issue. However, his final approval had to wait another meeting of the Interior Department's Advisory Board on National Parks.

On September 15, 1965 the House Interior and Insular Affairs Committee for the second time gave its approval to the bill. At the second semi-annual meeting of the Interior Department's Advisory Board on National Parks on October 14, 1965, the Board supported the preservation of the Wilcox House.

INTERIOR DEPARTMENT OKAYS

On October 22, 1965 the Interior Department formally notified the House Interior and Insular Affairs Committee of its full support of the Wilcox House legislation which meant that the historic mansion was considered a worthwhile addition to the National Parks System.

Once the Interior Department withdrew its objection, the legislation won unanimous approval in the House of Representatives. On February 7, 1966, the last day of Congressional session, the House approved legislation to make the Wilcox House a national historic site.

Through the summer of 1966 the bill was debated and stalled in the Senate. On August 5, 1966 four Buffalonians, E. Perry Spink, Owen B. Augspurger, James L. Kane and Henry W. Bryce, met with Rep. Dulski, National Park Service representatives and New York's two senators to work out a compromise regarding the costs of preserving the Wilcox House.

The original Senate resolution called for an annual federal appropriation for upkeep of the home which met with opposition. The Senate compromise was $250,000 for acquisition and $50,000 for initial restoration, the rest of the restoration and maintenance to be financed by local donations on the Niagara Frontier. As a result, the Senate passed the bill on October 17, 1966.

The bill was returned to the House of Representatives to vote on the amendment made in the Senate. The House bill which passed in February of 1966 simply imposed a $250,000 ceiling on acquisition cost with no specifications on restoration and operation, whereas the Senate bill called for $250,000 for acquisition and $50,000 for restoration. The House agreed to the compromise on October 18, 1966.

PRESIDENT JOHNSON SIGNS

On November 2 or 3 (?), 1966, President Johnson signed the act to make the Wilcox Mansion a national historic shrine.

Public Law 89–708 provides that the Secretary of the Interior shall acquire the Ansley Wilcox House property. It further provides for operation and maintenance by a local group at no expense to the United States. It authorized the appropriation of not more than $250,000 for acquisition and not more than $50,000 for restoration.

The law states, "The Secretary shall not obligate any funds nor establish the property as a national historic site in Federal ownership unless and until he has obtained commitments for donations of funds or services which he judges to be sufficient to complete restoration of the property and to operate and maintain it."

The law further states that even after the Department of the Interior acquries the property, if local support is dropped for renovation and maintenance costs, the Department can sell the property and return the money to national land and water conservation funds.

On March 17, 1967 the Theodore Roosevelt Memorial Committee was replaced by the Theodore Roosevelt Inaugural Site Foundation, Inc. as the legal body to develop and administer the site in cooperation with the National Park Service. Work began with these two organizations to develop a program for the restoration of the Wilcox Mansion.

MASTER PLAN READY IN 1967

The Master Plan, completed on September 18, 1967, included the history of the site and the historic event that made it significant, the relation of the site to its surrounding community, a statement of broad, general objectives for its development and operation, and general plans for the physical development of the site.

The Master Plan called for the full restoration of only one room, the library, in which Roosevelt took the oath as president. Other areas to be developed on the first floor were the exhibition space, and a visitor reception area.

A committee of the Junior League worked with the Buffalo & Erie County Historical Society to complete additional parts of the program for the Mansion. The Historic Structures Report, Part II, and the Interpretation Prospectus and Furnishing Plan were completed by 1970.

At the time the federal law became effective, the state conservation law covering historic site projects, would not allow the state to appropriate funds for the Wilcox House.

The conservation law was amended by an act proposed by State Senator Adams on February 28, 1968 and passed on April 10, 1968 (S–5009) to allow the state to share in the cost of restoration of this project in an amount equal to all funds, exclusive of federal funds, or 50% of the cost, whichever were less.

STATE SUPPORT ASSURED

With state financial support assured, plus a donation of $50,000 from the Junior League of Buffalo, and a promise of financial contributions from the following Buffalo interests on a basis of five years, plus the support of the citizenry in general, the federal requirement of a commitment of local support was fulfilled.

Among the leading donors were: Buffalo Evening News, Buffalo Courier Express, Marine Midland Trust Company of Western New York, Buffalo Savings Bank, Liberty National Bank and Trust Co., Bank of Buffalo, Western Savings Bank, Lincoln National Bank, and Manufacturers & Traders Trust Co.

On May 23, 1969 the National Park Service and the Theodore Roosevelt Inaugural Site Foundation, Inc., signed an agreement outlining the program for the preservation of the Ansley Wilcox Mansion where Theodore Roosevelt took the oath of office as president and conducted his first Cabinet meeting.

Representing the National Park Service were Lemuel A. Garrison, Regional Director of the Northeast Region of the National Park Service, and Frank Barnes, Regional Chief of Interpretation of the Northeast Region.

Congressman Dulski will be present along with the members of the Theodore Roosevelt Inaugural Site Foundation. After thirty years the battle to preserve the Wilcox Mansion was won.

Subsequently the property was purchased by the federal government and restoration began. Shelgren, Marzec and Patterson were engaged as architects and final plans were drawn. Contracts were let in the fall of 1970. Exhibit planning and work was continued by the staff of the Buffalo and Erie County Historical Society with the aid of the Junior League of Buffalo, Inc.

In the winter of 1970 preliminary negotiations began with the Associated Art Organizations for lease of the non-restored area of the house. A proposed lease was initiated in August 1971 and renovation of the remainder of the house began with the aid of the Historical Society and the Western New York Foundation.

The Theodore Roosevelt Inaugural National Historic Site will be dedicated on September 14, 1971. The first exhibit of the art group will open on October 28, 1971. This marks the end of a decade of concerted effort on the part of many to make reality out of hopes.

WHY THE DRAFT BILL PASSED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, foreign events and occurrences have long been used by the opinion molders of the United States to manipulate U.S. policy and politics.

At no time has this truism been brought to light clearer than in the circumstances that led to recent passage of the draft extension law.

When Congress adjourned for summer recess on August 6, the draft bill was hopelessly snarled in the Senate with amendments involving withdrawal of troops from Vietnam, pay raises, and in the throes of a filibuster. In fact, at that time, the draft had expired and looked so dead that even the antiwar movements had lost their "cause celebre." Then, with unbelievable rapidity, which has been attributed to the dedication and patriotism of the distinguished Senator from Mississippi (Mr. STENNIS) and with the assistance of the White House and the President's very able staff, as if by magic, the filibuster against the draft was stopped by invoking cloture and the bill easily passed by 11 votes on September 21.

On the surface, it appears as if a miracle did occur, but the lateral events of those hours must be considered and their effect weighed to understand the change in opinion and political strategy of some who made a complete about-face on their politics of peace to vote for extending the draft. No world event had a greater bearing on the passage of the draft bill than activity in the Middle East. A comparison of the vote for the draft bill on September 21 with earlier votes on military involvement reveals a remarkable number of converts to the cause of military preparedness.

On September 16, Egyptian President Sadat, in a radio and television address to the Egyptian people repeated his warning that 1971 would decide the question of war and peace in the Middle East and reaffirmed his statement that Egypt was willing to sacrifice a million lives to win back the land lost. Sadat was quoted as saying:

> We will pay a high price. But the United States must tell its pet Israel that they also must be completely prepared to sacrifice one million. . . .

On September 18, the American newspapers carried front page stories with pictures showing an Israeli four-engine transport plane which had been shot down by the Egyptian forces. The Egyptians were said to have installed scores of Soviet antiaircraft missiles in the area.

This action has been followed by unrealistic reactions in this country. The presidential hopefuls are either demanding or promising more arms and equipment for Israel and even the Vice President has testified that one of the latest Soviet jet fighters, capable of outperforming the U.S. F–4 Phantom used by Israel, is now operational in Egypt.

Can there be any conceivable conclusion, but that the financial and political powers in this country forgot their opposition to war in their sudden shift for enactment of the draft law to prepare U.S. men for impending hostilities in the Middle East? As was the case in the Far East, the American people will be told that their sons must serve, fight, and die to stop aggression.

The official announced policy of the United States in the Middle East under the Nixon administration is said to adhere to the precedent established by President Eisenhower's Middle East policy during the Lebanon crisis; that is, one of strict neutrality except to deter aggression by protecting territorial integrity. However, the policy has been most flexibly applied since the Eisenhower administration.

Under the Eisenhower administration, 5,000 U.S. marines were sent into Lebanon to protect its ancient and peaceful territorial integrity. From the period 1966 through 1971, Israel has been condemned by the United States as aggressors in 12 instances. As late as June of 1971, Israel was accused of violation of the Geneva Convention by the U.S. State Department for transferring part of its population into the militarily occupied territory of Jordan. No U.S. troops were dispatched. The U.S.S. *Liberty* was the only U.S. casualty.

What is the real U.S. policy and interest in the Middle East that our political leaders have determined preempts all interests of the American people, including the drafting of American men in preparation for another war on foreign soil?

I am inserting related newspaper clippings, the text of U.N. condemnations against Israel, and the full text of the remarks of Egypt's President Sadat in the RECORD at this point:

[From the New York Times, Sept. 18, 1971]

EGYPTIANS DOWN ISRAEL TRANSPORT; CAIRO CONCEDES CRAFT WAS CARGO PLANE AFTER FIRST CALLING IT PHANTOM JET

(By Peter Grose)

JERUSALEM, September 17.—The Israeli military command said today that an air force cargo plane was shot down this afternoon by Egyptian ground-to-air missiles. The plane was flying 14 miles behind Israel's frontline positions on the Suez Canal, the command said.

One airman parachuted safely into the Sinai Desert, an Israeli spokesman said. The fate of seven other crewmen was not yet known.

[Egypt's official Middle East News Agency conceded that the downed plane was a transport, according to an Associated Press dispatch from Cairo. Earlier, Cairo reported that the plane was a Phantom jet.]

The Israeli Government immediately protested to the United Nations Truce Supervisory Organization, and early this evening United Nations observers reportedly arrived at the crash scene, about 15 miles east of the southern tip of Lake Timsah.

This was the first known occasion in which the Soviet-supplied missile defense system on the Egyptian-held side of the canal had been used in action.

The attack came one week after Israeli ground fire downed an Egyptian Sukhoi-7 jet fighter-reconnaissance plane in the northern sector of the canal. Israeli spokesmen were

quick to say that the Egyptian plane was fired upon while flying low over Israeli-held territory. It then crashed on the Egyptian bank of the canal.

The plane shot down today, according to the Israeli spokesman, was a heavy and slow-moving Stratocruiser transport plane, flying at an altitude of 20,000 to 25,000 feet, parallel to—but not near—the canal on a "routine mission."

Israeli officials declined to speculate that the missiles could have been fired at the Israeli aircraft by Soviet crews. The military spokesman said he "assumed" that the missiles were of the less modern SAM–2 type, which the Russians are known to have turned over to Egyptian crews.

He said there was clear evidence "that this was an initiated action prepared in advance by the Egyptians," presumably as a retaliation for the earlier Israeli strike at a plane said to have intruded across the truce line.

At a hastily called news briefing for correspondents, the spokesman said, "We have no doubt that the attack was premeditated—it was almost like an ambush."

He said the Stratocruiser was flying without escort, well behind the front lines. The missiles he said, were fired from as much as 13 or 14 miles behind Egyptian lines—the SAM–2 missile has an effective range of 25 or 30 miles—from a launching site constructed many months ago, but not previously armed with missiles ready for firing.

The attack, he said, took place at about 2:10 P.M. News of it was delayed until the families of the crewmen could be notified and search parties immediately set out for the wreckage and nearby areas in hope of finding other crewmen who might have succeeded in bailing out.

"Several missiles were fired at our plane—we don't know how many yet," the spokesman said. "The one crewman who bailed out successfully told us that they heard a loud noise or explosion. The captain ordered the crew to bail out and the plane went into a spin, crashed and caught fire."

Western sources believe that Israel has six Stratocruisers in operation. They date from the early nineteen-fifties and were built by the Boeing Corporation of the United States.

[From the Washington Post, Sept. 24, 1971]

AGNEW SAYS EGYPT HAS TOP SOVIET JET

Vice President Spiro T. Agnew said last night that the newest Soviet jet fighter, capable of out-performing the American F–4 Phantom used by Israel and all other Western aircraft, "is now operational in Egypt."

Agnew's statement marked the first official U.S. acknowledgement that the Soviet plane, called the Mig–23 Foxbat, has been deployed in the tension-filled Middle East.

Informed sources said that at least a dozen Foxbats are being flown by Soviet pilots operating out of more than one air base in Egypt.

The Vice President disclosed the information about the Soviet fighter in a single sentence of an 8-page speech to a meeting of the National Security Industrial Association.

Throughout the address, Agnew stressed the dangers of attempting to cut back on military spending, and accused four Democratic senators—Muskie of Maine, McGovern of South Dakota, Kennedy of Massachusetts and Humphrey of Minnesota—of "reckless and appalling" statements advocating such cutbacks.

After describing several areas where the Soviet Union has made major military gains in recent months, he said:

"Their newest fighter, the Foxbat, is now operational in Egypt and cannot be matched in performance by anything we have in operation."

[From the Washington Post, Sept. 24, 1971]

JACKSON URGES APPROVAL OF FUNDS FOR ISRAELI F–4S

(By Marilyn Berger)

Warning that Egypt is "perfecting operational plans" for a 100,000-man invasion across the Suez Canal, Hon. Henry M. Jackson (D-Wash.) yesterday urged approval of a $500 million appropriation for Israel, half of it for the purchase of F–4 Phantom jets.

In a speech on the Senate floor prior to a presidential campaign swing through Pennsylvania, Jackson said, "There are new and profoundly disturbing indications that the delicate balance on which peace is based is gravely threatened in the Middle East."

Jackson said he had "evidence of extensive Egyptian training missions aimed at perfecting operational plans for an invasion across the Suez Canal involving as many as 100,000 Egyptian troops."

He said that access ramps to facilitate emplacement of pontoon bridges have been built along the west bank of the Suez Canal and that bridges adequate to sustain an invasion have been positioned along side the waterway. He also said that surface-to-air missiles are being moved "to the very edge of the canal."

The United States "must act to remove any doubt that an Egyptian military adventure might succeed," he said. He added that the administration has been indecisive, that it must reaffirm its determination to maintain the military balance and that it must recognize that basic to the Middle East conflict is "a Soviet drive for hegemony" that affects U.S. security interests.

To shore up the fighting capacity of Israel, which he described as being "in the front line in resisting the historic imperial ambitions that lie behind Soviet policy," Jackson said he would soon offer an amendment to provide $500 million in military credits, half of it for Phantoms.

Authorization for such an appropriation already exists under the so-called Jackson amendment to the Defense Procurement Act signed into law in October, 1970. This allows the President to send unlimited amounts of equipment to Israel until Sept. 30, 1972. Under this provision, Congress already has appropriated $500 million that has been spent.

State Department spokesman Charles W. Bray said yesterday that the United States "fully intends to make sure that the balance of power is maintained." U.S. officials said they had been aware that Egypt was receiving amphibious equipment that could be used in a canal crossing and that there is nothing new in the fact that there may be some practice maneuvers. Israel is known to have received countermeasures and warning devices against amphibious attack.

Jackson warned that a crossing could be undertaken by November or December. The prevailing opinion, however, among both American and Israeli officials, is that neither Egypt nor the Soviet Union wants to attempt a military solution.

Israeli sources stress that this will be true only so long as the other side remains convinced that it cannot win in a military engagement. If Israel appears isolated or cut off from its sources of supply, according to this reasoning, Egypt might try to strike.

Israel has asked to purchase some 50 to 60 Phantom jets to help counter the reportedly extensive Soviet buildup of Egyptian forces. Although both Israeli and American officials deny that there is any link between the supply of the jets and concessions by Jerusalem in the negotiations to reopen the Suez Canal, there is a widespread feeling that the sale would be more readily approved by Washington if some interim Suez solution could be worked out.

Israeli newspapers have reported that Premier Golda Meir is interested in speaking directly to President Nixon about these matters. It was understood that Israeli officials here have been sounding out the possibility of a Meir-Nixon meeting before the end of the year.

[From the Washington Star, Sept. 12, 1971]

ISRAELI BOND SALES REACH $138.4 MILLION

Proceeds from sales of Israel bonds for the first eight months of this year totaled $138,834,200. The sum, reported yesterday, is an increase of 34 percent over the same period a year ago, according to Sam Rothberg, general chairman of the Israel Bond Organization.

The funds are used for housing, irrigation, building towns and villages, expanding industry and various constructions, Rothberg said. He is attending the National Leadership Conference of Israel Bonds held here this weekend.

[From Foreign Broadcast Information Service]

SADAT STATEMENT ON REORGANIZATION OF STATE APPARATUS

In the name of God, brother compatriots, my sisters, people of Egypt: I begin with my congratulations. These are congratulations on all our achievements in the recent period. Congratulations to you on the emergence of the state of the federation. I had asked something of you. I am proud of the result of the referendum. The second congratulation is on the permanent constitution, which we have granted to ourselves. We have made it with our own hands. It has been nobody's gift to us. We have created it out of the state of affairs of the past period, out of our present, and out of our hope which, God willing, we pin on the future.

I have come to talk to you on this day. With God's help, I will come to talk to you whenever there is something to talk to you about, because I believe that it is true democracy that we should all participate in all important matters which might face us. The truth must be clear to us all as a people. This does not at all signify that I am bypassing the constitutional establishments. No, on the contrary, this entrenches the democratic concept. Our constitutional establishments are performing their role. They are playing their role, particularly after the recent change, in a manner that has truly made me happy and which makes every man and woman among our compatriots happy. Had you attended the recent debates of the ASU Central Committee on the constitution and had you heard the views aired by the peasants, the workers, the intelligentsia, the university professors, and by all the groups, you would have realized that the debate was held on a level above every consideration but Egypt's interest and the freedom and dignity of the individual. All those participating in the debate took care to face up to their national responsibilities.

I again say that my talk to you is no bypassing of the constitutional establishments. It is merely that we are undergoing one of the most critical stages in our life. In this the responsibility belongs neither to individuals nor to establishments. The responsibility is everyone's. The entire people must be aware of the matter. Why? We are entering a stage in which we must make a firm decision. This firmness and this decision must be with the knowledge of every one of us. We must all be aware of all the information and of the entire situation.

I have talked to you before—more precisely, it was in my May Day speech. I said then

that if we do not transform the defeat sustained in 1967 into a point of departure for construction of a new state, then even if we triumph in our present battle, we will have failed ourselves and coming generations.

We can no longer afford to lag behind. I said that other states had suffered a similar fate before us: the Soviet Union in its war with the Germans in 1941. The Germans had then gone to within 15 kilometers of Moscow. More than one-third of the Soviet Union's industry, its agricultural production, and its basic production had fallen into the hands of the Germans. The Soviet Union had definitely not yet attained a high industrial level. As you know, its revolution had only broken out in 1917. The Soviet Union then began to build and develop its country. It was, nevertheless, still in the stages of construction. The Soviet Union received a shock in 1941. It was considerably more violent than the shock we sustained in 1967. It was more violent and severe from all angles. The Soviet Union, nevertheless, used this defeat as a point of departure toward construction of a new state. The Soviet Union is now one of the two states in the world called a superpower. It is one of the two states in the world as far as development, science, technology, and everything is concerned.

I say, therefore, that if we do not use the 1967 battle as a point of departure toward construction of a new state, we will neither be able to complete the present battle nor to face our responsibility to the coming generations for which we are responsible.

You expect me to speak to you today about the change and the reorganization of the state. However, this is not the aim at all. The aim we should always keep in mind is that whatever we do, whether it is effecting change, reorganizing the state, or anything—anything we build—we must not forget that the aim should be the battle.

As you know, in the past period or rather in the past few months a very great achievement was made, thank God, despite the fact that these were summer months. We have been able to rebuild the entire ASU from top to bottom, re-elect all the professional unions and trade unions, complete the federation state's constitution, and complete the permanent constitution which, according to the 30 March declaration, we were supposed to complete after (the elimination of) the aggression. We have already completed it. We have achieved all this in the past few months. Furthermore, we have completed a plan to rebuild the state. As I have told you, this is not the goal. We are reorganizing the state because we must reorganize the state in order to proceed toward building the state of science and faith.

But the basis is, as I have told you, that anything we do is, above all, for the battle because the battle today and tomorrow is our life, our hope, our honor, and our dignity. Let our enemies not think that in the past we were preoccupied with matters other than the battle and that we overlooked the battle and turned to domestic matters because we did not want the battle or that we were ready to surrender. No. We have put our house in order. That has been done. We have put our house in order because it was necessary to do so. It was necessary for us to provide for ourselves, for our new construction, and for our new state in Arab Egypt after the enacting of the permanent constitution; a new foundation which above all serves the battle.

After that it is a long road. The lines I will talk about are applicable over a long period and will naturally be applied over a long period. Nobody believes that we will change everything overnight or that a magic wand will remove the system and everything and change things overnight. It is impossible. Nothing in the lives of nations or in government can possibly be achieved overnight. A plan is drawn up and then the plan is implemented. The plan's aims become known to us all and to the people, and then those who implement it each perform their duties in their own fields. It is a continuous operation. There will be wrong and right in it. We will right the wrong and reward the right.

However, there is something which cannot tolerate delay or postponement. It is the battle. Therefore allow me first to speak about this latest stage we are now going through, the stage of the battle. I will then speak about the reorganization, because, as I have told you, the reorganization, the change, or anything we say is meant first to serve the battle and then the construction, which, God willing, will continue during the battle and after the battle.

What are facts at present regarding the battle? I promised you in an earlier speech that I would talk to you about the U.S. attitude. Really, today I must speak to you—nay, not only you, but also to all the Arab nation and all the world so that they may hear—because we are back to the methods of crooked policies and deception.

Let us hear the story from the beginning. We accepted the Rogers initiative. A cease-fire was declared once and then again. A third time we voluntarily refrained from firing for a month, and after that we announced that we were not committed to a cease-fire or to refrain from firing.

U.S. Secretary of State Rogers asked to visit us. I told him: You are welcome. He visited us. We talked for 2 and ½ hours. I asked him: What do you want us to do? He said: Nothing. Nothing else is required of Egypt after its declared initiative and after its positive reply to Jarring and its constructive attitude. We ask nothing of Egypt.

Nothing is asked of us. What is the basis, the story, and the background of the initiative that I took?

Western Europe is suffering from the closure of the Suez Canal. The price of oil went up twice: Once because of the diversion around the Cape of Good Hope when the canal was closed, and once again when the OPEC decided to raise the price of oil. Well, we are prepared to open the Suez Canal but on a condition—that the whole problem should start moving. In other words, Israel should complete the first stage of withdrawal within a program for complete withdrawal. Not a partial settlement. No. A first stage within a complete withdrawal or within a program for a complete withdrawal from Arab territory and for the settlement of the problem.

I had then declared the conditions of our initiative. This is that our forces must cross to the eastern bank of the canal and a cease-fire will be observed for only 6 months so that Jarring will be able to complete the solution during those 6 months. After this the second stage of the withdrawal will be completed, withdrawal to our international border and from the Arab territory occupied after 5 June.

Our statements were clear in this respect. When Rogers came here I told him all this and made it clear to him. This is our stand. Rogers went to Israel and afterward he sent Sisco here. Sisco said that the Israelis were still reluctant and did not want the crossing of (Egyptian) forces, and that they still wanted to carry out discussions and talks. I told him that our final stand is clear and unequivocal. Our forces must cross to the east bank of the canal in order to carry out their national duty and to protect the canal and the canal cities. There will be a cease-fire for 6 months but we will never accept an indefinite cease-fire as long as there is one single foreign soldier on our soil. We will never accept an indefinite cease-fire as long as there is one single foreign soldier on my soil. I have fixed a cease-fire for 6 months and for a definite date. When we conclude an agreement the date (of the cease-fire) will be fixed. If no settlement is reached within this date, the forces that crossed the canal have a right to complete their task of liberating Egyptian land.

Our border is the international border, which is indisputable and beyond argument. The question of Sharm ash-Shaykh, the things which are being said about it, the day dreaming involving it, and all that has been said about it—I told them that this is something that we refuse even to talk about. We will not surrender one inch of our land or of the Arab land. I told this to Rogers and Sisco.

On 6 July—that is approximately 2 months and 10 days ago—the director of the Egyptian desk at the U.S. State Department came to me carrying a message from the U.S. President and Secretary of State Rogers. He met me here. What was the message? The role of Rogers and Sisco, as well as of the United States thus far, was called the postman's role. In other words (the United States) would sit with us and listen, then go to Israel and listen, and then come back to us with a message—that is a postman's job.

You will recall that I said then that I wanted the United States to determine its stand. I want to know the attitude of the United States. I am not angry. Let the United States tell me about any stand. I will not tell the United States "I am angry with you." All I want is for the United States to declare its stand to all the world and to the Arab nation in particular. It should say: "My stand is such and such."

As I told you, on 6 July—that is 2 months and 10 days ago—the director of the Egyptian desk at the U.S. State Department came to me with a message from President Nixon and Rogers. The message said that the United States—that is, the U.S. President decided to adopt a specific stand toward the problem. That is well and good. This is what we have been asking for all along; tell us about your stand. The message also said that the postman's role would be stopped. Now they would adopt a specific stand. They said that they would like to ask for certain explanations. I said: Go ahead.

Will you accept the United States adopting such an attitude and defining its stand? I said that I have been demanding this for a long time. I do want the United States to define its stand.

[The United States asked] whether the Soviet-Egyptian treaty had changed or affected relations? [between the Soviet Union and Egypt] That is—according to their understanding, of course—are we in control of our will or not? I told them that the Soviet-Egyptian treaty changed nothing in our position. The treaty has shaped the Soviet-Egyptian relationship within a framework which is the treaty. But our will is free; it has been free, it is now free, and, God willing, it will remain free forever. This is our problem with all the world, or rather with Western imperialism in particular—that we insist that our will remain free.

Well, they said that Sisco would go to Israel on 26 July. Afterward he would either come here or return to the United States. In any case, after Sisco's return the United States would define its stand in a clear document and in a clear attitude which it would make public. I said well and good. We are ready and waiting to see.

As I told you, this happened on 6 July 1971. Since this date and until today, 16 September—that is 2 months and 10 days—no contact whatsoever has taken place between us and the United States.

However, when we insisted and inquired about the outcome of Sisco's trip, they sent a note saying that Sisco had gone to Israel

and held three long meetings with Mrs. Meir, Alon, Dayan, and Eban; that he had also met separately with Eban to discuss bilateral relations; and that Mr. Sisco had centered his discussions on the following topics: 1) The relations between a phased settlement and the general settlement; 2) the question of Israel's use of the canal; 3) the nature of the cease-fire; 4) the question of the Egyptian presence east of the Suez Canal; 5) the extent of the area from which Israel would withdraw; and 6) the nature of the means of supervision. That was all. In other words, they said that Sisco had these three meetings and had discussed all these things. But what was the U.S. attitude, what did Israel say, what was the U.S. view on the settlement, and what had become of the U.S. President's decision to stop playing the role of mailman and to transform that role into a specific U.S. attitude? Nothing was said about all these things.

In other words, the relations and contacts between us and the United States have been at a total standstill for 2 months and 10 days.

I said at the outset of my speech that I took a look and found that at the present time a major process of distraction, misleading, and deception is going on before the world, the Arab world—that is before our people first and then before the Arab world and the whole world. What is the reason? America says everywhere that contacts between it and Egypt are continuing, that there is optimism, and that a solution is on the way. In fact, the United States has also said that Egypt has accented a partial solution. It said this even to the Soviet Union—that Egypt has accepted a partial solution. Its alternate delegate at the meetings of the four great powers said at the last meeting something to the effect, "Take it easy and be quiet. We are in contact with Egypt and Egypt is going along with us in the solution. Contacts are going on, and the solution is on its way."

I declare to our people in their capacity as the people who have a cause and to the Arab nation as the people who have a cause and to the whole world that contacts between us and the United States have completely stopped for 2 months and 10 days, that there is no agreement, and that the United States did not submit its stand to us, nor has it offered us anything specific.

Our position is the one I have spoken about. The U.S. attitude is just as I have said, that is, Sisco has gone and chatted about six points. I consider these six points a reversion from the position we had reached with Rogers and Sisco when they came to Egypt, because when Rogers and Sisco visited Egypt we defined matters in connection with the first stage of the withdrawal in a specific manner. Now they are again talking about the chatter Sisco brought from Israel about the list of ways a phased settlement relates to the general solution. Our viewpoint on this matter is clear. Rogers admits it, and he knows that we do not accept a phased settlement without a general solution, that is, without the phased solution being a part of a general settlement.

Regarding point number two, that is, Israel's use of the canal: This is rejected until Israel implements all its obligations under the Security Council resolution. The United States is aware of this. They also know about the nature of the cease-fire. We have told them: We will not declare an eternal cease-fire. I even say here, irrespective of whether they deny it there in the United States, that they said: You are right—you cannot allow the cease-fire to go on indefinitely while a single foreign soldier remains on your territory. They said this. Perhaps they will deny it. But I repeat this fact. I said that I will not accept an eternal or indefinite cease-fire as long as a single foreign soldier remains on my land. They said: You are right. Rogers and Sisco said this. They may deny this. Nevertheless, this is what happened. Even to this day they repeat these words.

Regarding the Egyptian presence east of the canal. I have clarified our stand on this point to them. They know that any discussion of this subject is out of the question. East of the canal is Egyptian, not Israel territory. This is Egyptian territory. We will not enter into a discussion with Israel. An Egyptian presence east of the canal is our right.

Regarding the extent of the area of withdrawal and the nature of the means of supervision: This means that regarding Sisco's chat [in Israel], we simply say that the United States has not given up the role of mailman just because, as they said, it wanted to specify its attitude. No. The United States has not even acted as a mailman. It has conceded the role of mailman and the matter has become one of just chatting. Sisco would go and chat there in Israel and the United States would not reply to us for 2 months and 10 days, up to this day.

Therefore, I declare to our people, to the Arab nation, to the entire world, and to the United Nations which will meet in a few days that the United States has again resorted to deception and misleading. No contacts have taken place between us and the United States for 2 months and 10 days. There are no agreements between us and the United States. The United States has not submitted a paper to us specifying its attitude.

Therefore, of what use is the talk with which the United States is filling the world to the effect that the United States is holding contacts, the statement by the U.S. alternate delegate at the big four meeting that "the matter has been settled—Egypt has reached an agreement or it is about to do so," and their statement to the Soviet Union that Egypt has accepted a partial settlement? This talk is unfounded. It is deliberately geared to mislead and deceive in Israel's favor. They want 1971 to pass. They also want the 1972 election year to pass so that we can pass into another decade and come to the day when the matter will have become a fait accompli and when we will keep silent or accept Israel's terms.

As I announce these things today, I add that they were calling for quiet diplomacy that we should not talk nor make statements. We said we would comply. We kept silent. We told them that we would not make statements and would not talk. But we were putting our house in order. I said: There is no problem. We will neither make statements nor talk. But today, and in view of the campaign of deception and misleading unleashed by the United States throughout the world, I must tell the truth to our people, to the Arab nation, to the world, to the big four, and to the United Nations which will meet in a few days.

The big four must face their responsibilities. The Security Council must accept its responsibility. The UN secretary general must face his responsibilities. I want the UN secretary general to submit a report to the Security Council on Israel's attitude and on our stands. It is about time for him to do so, while the United Nations is now in session. I want Jarring to report to the Security Council and the secretary general on Israel's attitude and on our position.

I want the Security Council at one stage to convene at the foreign ministers level because this is the decisive point where everyone should define his attitude before it [the Security Council] and where the United States should define its attitude before it.

We have waited a long time and have shown much good will, and still do, but there is a limit to everything. I have issued instructions to the foreign minister that we will go to the United Nations and explain all this frankly to the international community so that the international community may shoulder its responsibility.

As regards Arab action, we have not been lacking. With God's help the federation state has emerged. The follow-up committee, consisting of the deputy heads of state, will meet shortly and will set a date for a meeting of the federation state's Presidential Council to begin assuming its duties directly. The will of our people, exquisitely expressed in the referendum, has become clear to all the world, to friend and foe. Arab unity has indeed been achieved and the federation state has emerged. The Arab people's will has become quite clear to friend and foe.

I will never forget that when I visited King Faysal, he was indeed fully understanding, particularly of the U.S. stand. He fully understood the situation and was not content to merely understand and respond to me, but also undertook an initiative of his own in this connection in the hope it might succeed. Nevertheless, this is the U.S. stand I told you about. I had to cite King Faysal's solidarity with us particularly regarding the current U.S. stand. This stand leads to responsibilities on our part which are not new because the U.S. stand is not new. We disregarded the fact that it participated in the aggression and that U.S. President Johnson personally approved the plan of the aggression. The plan was submitted to him. He approved and supported it and supplied Israel with everything. We disregarded this. We disregarded the 17-hour raids on our lines, our sons, and our cities. We disregarded the raid on our workers in Abu Za'bal factory and the raid on our little children in the Bahr al-Baqa school—the children who died from U.S. napalm, dropped from Phantoms with half-American-half-Israeli pilots. We disregarded all this and said let us begin a new page because we want peace, but this is the result.

The United States has even retreated from the mailman role with which it had been disgusted and which it wanted to abandon. What is the secret behind this? It will certainly surface because even what went on between Eden, Guy Mollet, and Ben Gurion eventually surfaced. What is going on between the United States and Israel is bound to become known one day. The facts and the plots are bound to become known and so will the comedy—the United States asks Israel's permission to send Sisco and Israel tells the United States that it would consider whether to agree or not, all under the eyes of the whole world.

The United States is a big power. It sends Israel everything from a loaf of bread to the Phantom. Without the United States Israel could not survive for 2 months. We disregarded many things and said we would see and we would talk peace.

This, regrettably, is the U.S. attitude. I put it to all the world. I put it to our people first, to our Arab nation, to the world, and to the entire international community so that the United Nations, the Security Council, the secretary general, and jarring may shoulder their responsibilities.

I said in an earlier speech and I have been continuously saying that 1971 will be the decisive year whether through fighting or a peaceful settlement. In saying this I was motivated by the real interest of the cause not because we bore a grudge against anyone or only because we were running short of patience. No. It was based on a complete study of the interest of this homeland and the cause. We are not at all supposed to let our cause, as the United States and Israel want, remain 20 years at the United Nations and then, like Berlin or the Oder-Neisse borders, become a fait accompli and finished—they sit on the east of the canal and that is that. This is what the Israelis say. I do not care much about what the Israelis say but I was primarily interested in the United States defining its attitude. I had very much hoped that President Nixon would keep his word.

The year 1971 will be a decisive year whether through peace or fighting. The issue can wait no longer. We have prepared our house internally and must begin preparing ourselves to confront the responsibilities of the coming phase. Here I must tell you that everything depends on us. This battle is our battle. It is not the battle of the United States, of the Soviet Union, or of anybody else. This is our battle and is connected with our will and our determination.

Therefore, we must prepare ourselves from this moment to confront the decision and the decisiveness required by the coming phase. As long as our will is united and our domestic front united, there is no weapon in the world that can defeat the peoples' will. The best example is Vietnam. The entire U.S. arsenal of modern, electronic, and other weapons is being employed in Vietnam but has not been able to defeat the will of a people who have their own will and their domestic unity and who are united and have one objective. Thank God, having completed this, our domestic unity is strong, our objective is one, and our will is one and we will never be afraid. We will pay a high price. But in this connection, the United States must know that Israel will also pay dearly. When I say depth for depth, napalm for napalm, and an eye for an eye and a tooth for a tooth, I mean exactly what I say. If I say that I am prepared to sacrifice 1 million for the sake of my independence and to liberate my land, then the United States must tell its pet Israel that they also must be completely prepared to sacrifice 1 million, because I will not sacrifice 1 million of my people here without 1 million being sacrificed there. Never, regardless of the cost.

This has been our position on the battle, because I believe that the position on the battle is the basis. It is for this position that we are building, changing, and reorganizing ourselves.

Reorganization is very easy and I will speak about it in very simple words. Having completed our permanent constitution, this constitution must necessarily be the first starting point for reorganization. Why? Because, as stated by the preamble of the constitution, the individual in our country is a force and the homeland's total force will result from the force of each of us. Through the total force of our homeland and our domestic unity we will triumph, God willing, as I have already told you, similar to what is now taking place in Vietnam, despite all the modern weapons.

The first starting point has been the permanent constitution. Thank God, we have completed the permanent constitution in the most splendid manner possible.

There remain a few principles on the reorganization. If I wanted to explain the reorganization in detail, then I would have to talk to you about this complete file. [A file of documents on the reorganization] It would take me 2 hours to speak about the entire file. Having studied this file, I will send it to the prime minister, to all our brothers, and to the new cabinet because it contains everything, including the decisions, so that the new cabinet, which will carrry out the implementat can prepare itself. All the new organization will be announced in accordance with complete decisions and laws within a week following the formation of the new cabinet, God willing. Everything is ready.

But what concerns me is to speak to you about the basic principles governing this organization. Later you will hear and see the details.

As I have already told you, the permanent constitution was the starting point. What does the permanent constitution contain? It contains two fundamental things: It explains the authority, rights, and duties of the state and it stipulates the supremacy of the law. Therefore, the first point in the reorganization I am going to tell you about is that we must respect the authority of the state—having taken it upon ourselves that the state authority should be the authority of the alliance of the people's working forces. I will never allow anybody to tresspass against the authority of the state. Never. Let everything be done through democratic dialog. Let us differ—and it is 100 percent sure that we will differ. Each of us has his own demands and troubles. Let us discuss them through democratic dialog. But let nobody imagine that he can seize the authority of the state. No.

The second point is the supremacy of the law. Every measure in the state should be governed by the law. Everything must have a legal justification.

By God, if our legislation is incomplete, then our legislative power will complete it. However, as I have stated, no power, group, faction, organization, or anybody will take the state powers into his own hands. The sovereignty of the law will prevail. Moreover, the constitution—and this is a basic change necessary to begin the rebuilding as I have told you—provides for the authority of the state and sovereignty of the law. Furthermore, we will build the state on the basis of institutions, not individuals. In other words, we want a state of institutions, including political, executive, and legislative institutions. The constitution explains all this. These institutions must assume their full powers and conditions.

As I have told you before, this will not be done overnight. We have planned all this, and the necessary laws and everything else will be issued. However, implementation will take time. But we as a people must be the guardians of the implementation of it. It will be a state of institutions and not of individuals at all. The powers of these institutions and the relation between them will be clear.

Moreover, as the constitution stipulates, the president of the republic will be the umpire among all and not a party siding with anyone. He will be an umpire among all, and if he fails, he will resort to the people in a direct public referendum. This is the philosophy on which the constitution is based. The first point is the authority of the state and the sovereignty of the law and the second point is the state of establishments. The third point is the liberalization of the government routine, the public sector, and agricultural regulations, and those things that I said long ago are paralyzing everything.

Today, according to this organization, this change, and the reorganization, there will be full liberalization. There will be liberalization in agriculture. The strange thing you must know is that we have reclaimed lands and paid hundreds of millions of pounds to do so. What the people do not know is that up till now, we have been spending millions of pounds annually on this land, suffering losses instead of collecting profits from them. This is due to the existing laws and routine. All this will change. For example, the new reclaimed land will be turned into productive units that will specify productive aims and specific responsibilities for themselves and will turn a certain profit. They themselves will benefit from any increase above that profit. They will benefit from the profits just like any socialist factory. Agriculture will be completely liberalized.

The same applies to industry. We established a public sector and put the government cadre in charge of it. The government wants to reform its cadre and the routine paralyzing it. Do we put them in charge of the public sector to paralyze it? We will end all this. New bylaws are ready again. If we create too many institutions and they interfere in the work of the productive units, then we will put an end to the action of these institutions. The productive unit will be responsible for production. It will be responsible for formulating the regulations concerning its production.

It is not logical for me to formulate the same regulation for those producing chemicals, as for those spinning textiles and producing iron and steel. The productive units are not governments. Every productive unit has its nature, incentives, and regulations suiting its work. Therefore, we have freed all the productive units from all this. Every productive unit will formulate its regulations, and incentives. Each unit will have a productive aim. It will achieve this aim. According to the socialist method we are applying, it will benefit from a surplus and will be made to account for a deficit. The bylaws have been changed and are ready.

The workers complained, demanding the amendment of the regulations. I promised to introduce amendments in the program of national action that was presented to the conference on national action on 23 July. The conference approved the implementation of all of them. The executive decisions are ready. God willing, they will be issued within a week after the formation of the new cabinet.

We have spoken of the authority of the state and sovereignty of the law. We said that the state is a state of establishments. Agriculture and industry as well as economy will be liberalized. In other words, we will tackle the restrictions we are placing on our economy for one reason or another. For example, I buy supply goods for the people worth about 100 million pounds in hard currency. The commission obtained on this 100 million pounds smells terribly. Therefore, I will establish a free bank and a free zone. Free zones will be attached to this bank. The terrible smell reeking inside and outside will disappear, and the commission will go to the people and to this bank, which is a free zone. The bank will be a free zone, and other free zones will be attached to it. Any of our Arab brothers wishing to deposit capital will have the opportunity to find a free zone bank in which to deposit and withdraw his money at any time without any restrictions.

In addition to this, there is the law governing the investment of Arab and foreign capital. As you know, we have foreign capital in the oil industry and in some medicine factories. We hope to get more foreign capital in oil and tourism and in the field of building luxury houses, so that we, as a state, can devote ourselves to building popular housing projects.

I do not build villas and buildings for just anybody. I will not go to build in Al-Ma'murah. This year I discovered that we are building houses in Al-Ma'murah worth 2 million pounds every year? I asked the housing minister: Why? Why should I spend 2 million pounds to build in Al-Ma'murah? There are some who are prepared to spend 10 million pounds to build in Al-Ma'murah in order to accomodate those who can afford it. But I will take that 2 million pounds and add it to the housing budget to build for the ordinary people who cannot find houses; I will build ordinary houses for our ordinary people.

There is a law ready to be issued regarding all the fields in which capital can be invested on the one hand without harming our economic system, while on the other hand enjoying guarantees.

I have spoken about the sovereignty of the state, the rule of law, and the rule of establishments, and the liberalization of agriculture, industry, and economy. After this comes the sixth point: the reorganization of government.

The government departments were in a state of chaos. In this study we tried to do away with duplication. Some ministeries are to be amalgamated and others are to be abolished. New ministries will be created. The Ministry of Maritime Transport is one example.

Why should we pay 53 million pounds sterling annually to foreign ships to ship our goods? Why don't we establish a fleet to transport these goods? I will invest half of this sum in my fleet, and the other half will be paid to other companies. Never mind, let them take it, but at the same time I will also build a fleet. It is bad enough not to build a fleet and even worse to pay 53 million pounds. For this reason I will establish a Maritime Transport Ministry.

Also, I have invited bids from abroad for those who wish to participate with us in the first stage of building a fleet. We are very, very backward in this field. We should have never been so backward in building a maritime fleet. A maritime fleet is one of the criteria by which the status of states and nations are judged these days.

Once again I return to the state authority and the rule of law, the state of establishing the liberalization of agriculture, industry, and economy, and the reorganization of the state departments. In these decisions I have raised the minimum wage. But I did not raise it to the level I want. Why? Because, as you know, we are engaged in a battle and in a state of war. I wish I was able to increase the minimum wage tenfold. After the battle, God willing, we will do so. But first we want to start walking from the beginning of the road. I have raised the minimum wage. God willing this will be included in the decisions that we have made and which are all here.

One point remains. That is that I do not believe that Cairo should be the center—that Cairo is everything. As the old saying goes, when a jar is broken in Qina the minister in Cairo is informed to approve the breakage. I have given the governors the powers of the president of the republic. This will come into effect as of 1 Oct God willing; that is, in 14 days.

All the provincial ASU committees and the ASU district secretaries will become people councils in the provinces. A people's council means the small council of the province. The governor and the heads of departments will become a miniature cabinet. Beginning 1 October, the people's council will meet with the governor and the heads of departments and will ask them to account for everything. The people's council, which is the ASU council, represents all the districts. It also includes the district secretaries. Not every grievance and complaint will come to Cairo. They must be solved there.

The terrible centralism that existed must end and the provinces must begin to assume their own powers. The powers will then be actually for the people, as I promised in the 30 March statement and as is stipulated in the constitution. This will begin on 1 October, God willing.

If a people's council in one of the provinces withdraws its confidence from any of the heads of the departments in the province concerned, this head of department will submit his resignation and will not be transferred by the ministry to another province. He will submit his resignation. He will not be given the satisfaction of transferring to another province. He must resign, because he has failed. The people will ask for an accounting on matters of irrigation, health, education, and everything else. The people will bring their rulers to account just as the People's Assembly here in Cairo will hold the government responsible.

I will sum up for you the principles of change that I told you about and that are contained in the constitution—which I am not supposed to read to you to avoid delaying you any further, because, of course, you are all waiting to spend the usual Thursday night watching television or listening to the radio—but these, God willing, will be issued by the cabinet in a week.

Therefore I will sum up the changes as follows: the sovereignty of the state and the rule of law; the state is a state of establishments; the liberalization of agriculture, industry, and economy; the reorganization of the government; the local administration and its application in letter and in spirit—not only words written in the constitution or mere slogans—as of 1 October, God willing; the raising of the minimum wage, and the implementation of work regulations.

This is the new organization in general.

Before I conclude my address to you I must reaffirm a concept I have spoken to you about. We are building a new state and we are using the defeat as a point of departure. We are doing all this for the battle. As I have said, the battle is our life, honor, and dignity. As I have said, the homeland's force will be commensurate with the force of every one of you. Everyone of us must indeed be a force by himself. His talents must be released for the sake of the prospective new edifice, to which each one of us is required to contribute. These decisions will not be implemented unless we all participate in their implementation. We should not only participate in their implementation, we must also safeguard their implementation. We should be on the lookout to prevent them from being deviated from, exactly like the constitution, which we must protect and guard while we are implementing it. Nobody should ever misinterpret it.

Again I say that the force of every individual among us ultimately constitutes the homeland's might. We are engaged in strife between right and evil. The battle will continue. The struggle between right and evil will last as long as their is life on this earth. These days, evil is fierce. It has resorted to lies, deception, and misleading. By God, let us endow right with ferocity. We will not, however, lie, deceive, or mislead. It will be a fierce right. We will not lie, deceive, or mislead like the evil I have mentioned is doing.

Despite all difficulties, brother men and women compatriots, and despite all difficulties I am confident that God almighty will grant us victory as long as our will power is one, our front is one, and as long as our objective are the same. The will of the people is the voice of almighty God. May God make you successful. Peace be with you.

[From the New York Times, June 10, 1971]

UNITED STATES SAYS ISRAEL VIOLATES GENEVA CONVENTION

(By Terence Smith)

The State Department says Israel violated the 1949 Geneva Convention by constructing large apartment projects in the former Jordanian sector of Jerusalem.

Charles W. Bray, the Department spokesman, said yesterday the United States continues to oppose any action by the Israeli government in occupied Arab territories which "could prejudice a peace settlement."

He specifically mentioned the sprawling apartment projects that have been constructed in the hills and valleys on the eastern side of Jerusalem, calling them a violation of the 4th Red Cross Convention on the protection of civilians in wartime that was signed in Geneva in 1949.

The convention, to which Israel is a signatory, prohibits an occupying power from transferring part of its population into occupied territory.

"We interpret this to include construction of permanent facilities which have the intent of facilitating a transfer of population," Bray said.

Despite American and international objections, Israel has formally annexed the former Jordanian sector of Jerusalem. Israeli citizens already have moved into the area that was under Arab control from 1948 until the June 1967 war.

Brady's remarks came in response to a question about whether Israel was using U.S. aid funds to develop the occupied areas. He said that the United States is satisfied that the funds were not being used for that purpose.

The spokesman said he had no specific knowledge of the reported construction of an Israeli factory in the Golan Heights, Israeli-occupied Syria, but that such an installation also would constitute a violation of the 1949 convention if it were built.

The United States first voiced its objection to the Jerusalem housing projects in February. The protest incensed many Israeli leaders and the minister of housing, Zev Sharef, promptly announced Israel's intention to proceed with the construction.

[From U.N. Monthly Chronicle, June 1970]

RECORD OF THE MONTH

SITUATION IN THE MIDDLE EAST

Security Council Condemns Israel for Action Against Lebanon.

The Security Council on 19 May condemned Israel for its premeditated military action against Lebanon on 12 May in violation of its obligations under the Charter and deplored its failure to abide by Council resolutions of 1968 and 1969. The resolution condemning Israel, sponsored by Zambia, was adopted by a vote of 11 in favour to none against, with 4 abstentions (Colombia, Nicaragua, Sierra Leone, United States).

The Council declared in the resolution that such armed attacks could not be tolerated and warned Israel that, if repeated, it would consider taking adequate measures, in accordance with the relevant articles of the Charter, to implement its resolutions. It also deplored the loss of life and damage to property inflicted as a result of the violations of Council resolutions.

On 12 May, the Council voted unanimously to demand the immediate withdrawal of all Israeli armed forces from Lebanese territory, when it adopted a proposal presented by Spain as an interim measure, without prejudice to further consideration of the matter.

The Council met on 12 May at the request of the delegations of Lebanon and Israel.

TEXT OF RESOLUTION 280 (1970)

THE SECURITY COUNCIL,

Having considered the agenda contained in S/Agenda/1537.

Having noted the contents of the letter of the Permanent Representative of Lebanon (S/9794) and of the letter of the Permanent Representative of Israel (S/9795),

Having heard the Statements of the representatives of Lebanon and of Israel,

Gravely concerned about the deteriorating situation resulting from violations of resolutions of the Security Council,

Recalling its resolutions 262 (1968) of 31 December 1968 and 270 (1969) of 26 August 1969.

Convinced that the Israeli military attack against Lebanon was premeditated and of a large scale and carefully planned in nature,

Recalling its resolution 279 (1970) of 12 May 1970 demanding the immediate withdrawal of all Israeli armed forces from Lebanese territory.

1. *Deplores* the failure of Israel to abide by resolutions 262 (1968) of 31 December 1968 and 270 (1969) of 26 August 1969;

2. *Condemns* Israel for its premeditated military action violation of its obligations under the Charter;

3. *Declares* that such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would in accordance with resolution 262 (1968) and this resolution consider taking adequate and effective steps or measures in accordance with the relevant Articles of the Charter to implement its resolutions;

4. *Deplores* the loss of life and damage to property inflicted as a result of violations of resolutions of the Security Council.

[Record of the Month, July–August 1969]

POLITICAL AND SECURITY SITUATION IN THE MIDDLE EAST—SECURITY COUNCIL CENSURES ISRAEL

The security Council on 3 July voted unanimously to censure in the strongest terms all measures taken to change the status of Jerusalem and deplored the failure of Israel to show any regard for General Assembly and Security Council resolutions on that city.

The Council had begun consideration on 30 June of a complaint by Jordan against Israel regarding measures taken in Jerusalem. The complaint stated that the measures were contrary to the Security Council resolution of 21 May 1968 concerning that city, and to the United Nations Charter.

The Council, in the resolution—which was submitted jointly by Pakistan, Senegal and Zambia—urgently called once more on Israel to rescind all measures tending to change the status of Jerusalem and refrain from all actions likely to have such an effect. It confirmed that all legislative and administrative measures and actions purporting to alter the status of Jerusalem, including expropriation of land and properties, were invalid and could not change that status. The Council requested Israel to inform it without further delay of its intentions regarding implementation of the resolution. The Council, in addition, determined that, in the event of a negative response or no response from Israel, it would reconvene without delay to consider further action. Finally, the Council requested the Secretary-General to report to it on the implementation of the resolution.

The paragraph calling on Israel to rescind all measures tending to change the status of Jerusalem was voted on separately and was adopted by 14 votes in favour to none against, with 1 abstention (United States).

TEXT OF RESOLUTION 267 (1969)

THE SECURITY COUNCIL,

Recalling its resolution 252 of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES–V) and 2254 (ES–V) of 4 and 14 July 1967 respectively concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Having heard the statements of the parties concerned on the question,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolution 252 (1968);

2. *Deplores* the failure of Israel to show any regard for the General Assembly and Security Council resolutions mentioned above;

3. *Censures* in the strongest terms all measures taken to change the status of the City of Jerusalem;

4. *Confirms* that all legislative and administrative measures and actions by Israel which purport to alter the status of Jerusalem including expropriation of land and properties thereon are invalid and cannot change that status;

5. *Urgently calls* once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution;

7. *Determines* that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

8. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution.

[Record of the Month, April 1969]

POLITICAL AND SECURITY SITUATION IN THE MIDDLE EAST

Security Council Condemns Israel Air Attacks.

The Security Council on 1 April voted to condemn the "recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions". It warned Israel that if such attacks were repeated "further more effective steps as envisaged in the Charter" would have to be considered, and deplored the loss of civilian life and damage to property.

The Council acted by adopting a revised text of a draft resolution submitted by Pakistan, Senegal and Zambia. The vote was 11 in favour to none against, with 4 abstentions (Colombia, Paraguay, United Kingdom, United States). The draft, which was submitted on 29 March, was revised to include an operative paragraph reaffirming Council resolutions 248 (1968) and 256 (1968). Previously, the Council had considered complaints by Jordan and Israel at six meetings held between 27 and 29 March.

TEXT OF RESOLUTION 265 (1969)

The Security Council,

Having considered the agenda contained in document S/Agenda/1466,

Having heard the statements made before the Council.

Recalling resolution 236 (1967).

Observing that numerous premeditated violations of the cease-fire have occurred,

Viewing with deep concern that the recent air attacks on Jordanian villages and other populated areas were of a pre-planned nature, in violation of resolutions 248 (1968) and 256 (1968),

Gravely concerned about the deteriorating situation which endangers peace and security in the area,

1. *Reaffirms resolutions* 248 (1968) and 256 (1968);

2. *Deplores* the loss of civilian life and damage to property;

3. *Condemns* the recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions and warns once again that if such attacks were to be repeated the Council would have to meet to consider further more effective steps as envisaged in the Charter to ensure against repetition of such attacks.

[Record of the Month, December 1968]

POLITICAL AND SECURITY SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL CONDEMNS ISRAEL

The Security Council condemned Israel on 31 December "for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions" following an attack against the civil International Airport of Beirut, Lebanon, on 28 December.

In a unanimously adopted resolution, the Council considered that such premeditated acts of violence endangered the maintenance of peace. A solemn warning was issued to Israel that "if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions". And the Council considered that Lebanon was "entitled to appropriate redress for the destruction it suffered, the responsibility for which has been acknowledged by Israel".

The Council had been called into urgent session three days earlier at the separate requests of Lebanon and Israel. Both requests were included in the revised agenda adopted by the Council. Also before the Council for its consideration were communications from the United Nations Truce Supervision Organization (UNTSO), regarding an inquiry conducted at the Beirut Airport on 29 December by United Nations Military Observers (UNMO). The Council debated the substance of the complaints by Lebanon and Israel on 29 and 30 December, adopting the resolution the following day.

TEXT OF RESOLUTION 262 (1968)

The Security Council,

Having considered the agenda contained in document S/Agenda/1462,

Having noted the contents of the letter of the Permanent Representative of Lebanon (document S/8945),

Having noted the supplementary information provided by the Chief of Staff of the United Nations Truce Supervision Organization contained in documents S/7930/Add. 107 and 103,

Having heard the statements of the representative of Lebanon and of the representative of Israel concerning the grave attack committed against the civil International Airport of Beirut,

Observing that the military action by the armed forces of Israel against the civil International Airport of Beirut was premeditated and of a large scale and carefully planned nature,

Gravely concerned about the deteriorating situation resulting from this violation of the Security Council resolutions,

And deeply concerned about the need to assure free uninterrupted international civil air traffic,

1. *Condemns* Israel for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions;

2. *Considers* that such premeditated acts of violence endanger the maintenance of the peace;

3. *Issues* a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions;

4. *Considers* that Lebanon is entitled to appropriate redress for the destruction it suffered, responsibility for which has been acknowledged by Israel.

[Record of the Month, May 1968]

POLITICAL AND SECURITY SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL CALLS ON ISRAEL TO RESCIND MEASURES ON JERUSALEM

The Security Council on May 21 called urgently on Israel to rescind all measures already taken which tended to change the legal status of Jerusalem and to desist forthwith from further action of that kind. The Council took this action when it adopted a resolution sponsored by Pakistan and Senegal in a vote of 13 in favour, none against, with 2 abstentions (Canada, United States).

In the resolution, the Council deplored the failure of Israel to comply with General Assembly resolutions 2253 (ES–V) and 2254 (ES–V) on Jerusalem, adopted in July 1967, and stated that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tended to change the legal status of Jerusalem, were invalid and could not change that status. The Secretary-General was asked to report on the implementation of the resolution.

The Council, which on April 27 called unanimously on Israel not to hold a military parade scheduled for May 2 in Jerusalem to mark the anniversary of its independence, was informed on that date by the Secretary-General that the parade had been held as scheduled. The Council then adopted a second resolution by unanimous decision stating that it deeply deplored the fact that Israel, disregarding the Council, decision of April 27, had held the parade.

At meetings held from May 3 to 21, the Council continued consideration of Jordan's complaint about the situation in Jerusalem.

TEXT OF RESOLUTION

(S/RES/252 (1968))

THE SECURITY COUNCIL

Recalling General Assembly resolution 2253 (ES–V) and 2254 (ES–4) of 4 and 14 July 1967,

Having considered the letter (S/8560) of the Permanent Representative of Jordan on the situation in Jerusalem and the report of the Secretary-General (S/8146),

Having heard the statements made before the Council,

Noting that since the adoption of the above-mentioned resolutions, Israel has taken further measures and actions in convention of those resolutions,

Bearing in mind the need to work for a just and lasting peace,

Reaffirming that acquisition of territory by military conquest is inadmissible,

1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;

2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

[Record of the Month, March 1968]

POLITICAL AND SECURITY

SITUATION IN THE MIDDLE EAST

Security Council condemns Israeli Military action.

The Security Council on March 24 voted unanimously to condemn the military action launched by Israel on March 21 on the territory of Jordan "in flagrant violation of the United Nations Charter and the cease-fire resolutions.

The Council, which met on March 21 to take up complaints by Jordan and Israel of renewed fighting in the Middle East, stated in its resolution that it "deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire" could not be tolerated and that it would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts.

Deploring the loss of life and heavy damage to property, the Council called on Israel to desist from acts or activities in contravention of resolution 237 of June 14, 1967, which asked it to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place. Finally, the Council requested the Secretary-General to keep the situation under review and to report to the Council as appropriate.

An earlier draft resolution, submitted on March 23 by India, Pakistan and Senegal, which would have had the Council condemn the military action launched by Israel "in flagrant violation of the United Nations Charter and the cease-fire resolutions" was not pressed to a vote. Under that proposal, the Council would also have warned Israel that military reprisals could not be tolerated and that it would have to consider measures envisaged in the Charter to ensure against repetition of such acts; call upon Israel to desist from acts or activities in contravention of the Council's resolution 237 of June 14, 1967; and request the Secretary-General to keep the situation under review and to report to the Council as appropriate.

TEST OF RESOLUTION (S. RES. 248 (1968))

Having heard the statements of the representatives of Jordan and Israel,

Having noted the contents of the letters of the Permanent Representative of Jordan and Israel in documents S–8470, S–8475, S–8478, S–8483, S–8484 and S–8486,

Having noted further the supplementary information provided by the Chief of Staff of UNTSO as contained in documents S–7930—Add.64 and Add.65,

Recalling resolution 236 (1967) by which the Security Council condemned any and all violations of the cease-fire,

Observing that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature.

Considering that all violent incidents and other violations of the cease-fire should be prevented and not overlooking past incidents of this nature,

Recalling further resolution 237 (1967) which called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place.

1. Deplores the loss of life and heavy damage to property;

2. Condemns the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

3. Deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

4. Calls upon Israel to desist from acts or activities in contravention of resolution 237 (1967);

5. Requests the Secretary-General to keep the situation under review and to report to the Security Council as appropriate.

[July 1967]

THE SITUATION IN THE MIDDLE EAST

Resolution 2254(ES–V), as proposed by 8 powers, A/L.528/Rev. 2, adopted by Assembly on *14 July 1967, meeting* 1554, by roll-call vote of 99 to 0, with 18 abstentions, as follows: *

"The General Assembly,

"Recalling its resolution 2253(ESV) of 4 July 1967.

"Having received the report submitted by the Secretary-General,

"Taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253(ES–V),

"1. *Deplores* the failure of Israel to implement General Assembly resolution 2253 (ES–V);

"2. *Reiterates* its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

"3. *Requests* the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution."

* * * * *

Abstaining: Australia, Barbados, Bolivia, Central African Republic, Colombia, Democratic Republic of Congo, Iceland, Jamaica, Kenya, Liberia, Madagascar, Malawi, Malta, Portugal, Rwanda, South Africa, United States, Uruguay.

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* At the same meeting, the representative of Malaysia stated that had he been present at the time of voting, his delegation would have voted in favour of the draft resolution.

Resolution 2256(ES–V), as proposed by 3 powers A/L.529/Rev. 1, adopted by Assembly on 21 July 1967, meeting 1558, by a roll-call vote of 63 to 26, with 27 abstentions, as follows:

"The General Assembly,

"Having considered the grave situation in the Middle East,

"Considering that the Security Council continues to be seized of the problem,

"Bearing in mind the resolutions adopted and the proposals considered during the fifth emergency special session of the General Assembly.

"1. *Requests* the Secretary-General to forward the records of the fifth emergency session of the General Assembly to the Security Council in order to facilities the resumption by the Council, as a matter of urgency, of its consideration of the tense situation in the Middle East;

"2. *Decides* to adjourn the fifth emergency special session temporarily and to authorize the President of the General Assembly to reconvene the session as and when necessary."

In favour: Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian SSR, Canada, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, Gabon, Ghana, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Jamaica, Japan, Laos, Liberia, Luxembourg, Madagascar, Malawi, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Sierra Leone, Singapore, Sweden, Thailand, Togo, Trinidad and Tobago, Ukrainian SSR, USSR, United Kingdom, United States, Upper Volta, Uruguay.

Against: Afghanistan, Albania, Algeria, Burundi, Democratic Republic of Congo, Cuba, Guinea, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Pakistan, Saudi Arabia, Somali, Sudan, Syria, Tunisia, United Arab Republic, United Republic of Tanzania, Yemen, Zambia.

Abstaining: Cameroon, Ceylon, Congo (Brazzaville), Cyprus, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Guyana, Honduras, Indonesia, Iran, Israel, Kenya, Malta, Nigeria, Panama, Portugal, Senegal, South Africa, Spain, Turkey, Uganda, Venezuela, Yugoslavia.

[July 4, 1967]

Resolution 2253 (ES–V), as proposed by 6 powers, A/L.527/Rev. 1, adopted by Assembly on 4 July 1967, meeting 1549, by roll-call vote of 99 to 0, with 20 abstentions, as follows:

"The General Assembly,

"Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

"1. *Considers* that these measures are invalid;

"2. *Calls upon* Israel to rescind all measures already taken and to desist forthwith from talking any action which would after the status of Jerusalem;

"3. *Requests* the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption."

Abstaining: Australia, Barbados, Bolivia, Central African Republic, Colombia, Democratic Republic of Congo, Dahomey, Gabon, Iceland, Italy, Jamaica, Kenya, Liberia, Malawi, Malta, Portugal, Rwanda, South Africa, United States, Uruguay.

[July 4, 1967]

Resolution 2252 (ES–V), as proposed by 26 powers A/L.526, adopted by Assembly on 4 July 1967, meeting 1548, by roll-call vote of 116 to 0, with 2 abstentions as follows:

"*The General Assembly,*

"*Considering* the urgent need to alleviate the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East.

"1. *Welcome with great satisfaction* Security Council resolution 237(1967) of 14 June 1967, whereby the Council:

"(*a*) Considered the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings;

"(*b*) Considered that essential and inalienable human rights should be respected even during the vicissitudes of war;

"(*c*) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict;

"(*d*) Called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;

"(*e*) Recommended to the Governments concerned the scrupulous respect to the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949,

"(*f*) Requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council;

"2. *Notes with gratitude and satisfaction* and endorses the appeal made by the President of the General Assembly on 26 June 1967;

"3. *Notes with gratification* the work undertaken by the International Committee of the Red Cross, the League of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians;

"4. *Notes further with gratification* the assistance which the United Nations Children's Fund is providing to women and children in the area;

"5. *Commends* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for his efforts to continue the activities of the Agency in the present situation with respect to all persons coming within his mandate;

"6. *Endorses,* bearing in mind the objectives of the above-mentioned Security Council resolution, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities;

"7. *Welcomes* the close co-operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the other organizations concerned, for the purpose of co-ordinating assistance;

"8. *Calls upon* all the Member States concerned to facilitate the transport of supplies to all areas in which assistance is being rendered;

"9. *Appeals* to all Governments, as well as organizations and individuals, to make special contributions for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and also to the other inter-governmental and non-governmental organization concerned;

"10. *Requests the Secretary-General, in* consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report urgently to the General Assembly on the needs arising under paragraphs 5 and 6 above;

"11. *Further requests* the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly."

Abstaining: Cuba, Syria.

[June 1967]

Resolution on humanitarian aspects of problems arising from hostilities; S/7968/Rev. 1–3. Argentina, Brazil, Ethiopia: revised draft resoluton.

Resolution 237(1967), as proposed by 3 powers, S/7968/Rev.3, and orally amended by Mali, adopted unanimously by Council on 14 June 1967, meeting 1361.

"*The Security Council,*

"*Considering* the urgent need to spare the civil population and the prisoners of the war in the area of conflict in the Middle East additional sufferings,

"*Considering* that essential and inalienable human rights should be respected even during the vicissitudes of war,

"*Considering* that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict,

"1. *Calls upon* the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

"2. *Recommends* to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949;

"3. *Requests* the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council."

[November 1966]

Resolution 228 (1966), as proopsed by Mali and Nigeria (S/7598) adopted by Security Council on 25 November 1966, meeting 1328, by 14 votes to 0, with 1 abstention (New Zealand).

"*The Security Council,*

"*Having heard* the statements of the representatives of Jordan and Israel concerning the grave Israel military action which took place in the southern Hebron area on 13 November 1966,

"*Having noted* the information provided by the Secretary-General concerning this military action in his statement of 16 November and also in his report of 18 November (S/7593 and Corr. 1 and Add. 1),

"*Observing* that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel,

"*Reaffirming* the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter,

"*Recalling* the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature,

"*Reaffirming* the necessity for strict adherence to the General Armistice Agreement,

"1. *Deplores* the loss of life and heavy damage to property resulting from the action of the Government of Israel on 13 November 1966;

"2 *Censures* Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;

"3. *Emphasizes* to Israel that actions of military reprisal cannot be tolerated and that if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;

"4. *Requests* the Secretary-General to keep the situation under review and to report to the Security Council as appropriate."

S/7603. Note of 29 November 1966 by Secretary-General.

S/7656. Letter of 30 December 1966 from Israel.

McCULLOCH INTERNATIONAL AIRLINES: 1 YEAR OLD AND BOOMING

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. HOSMER. Mr. Speaker, a year ago next month, a small supplemental air carrier opened its doors in Long Beach, Calif., despite a turbulent and generally pessimistic outlook for the air charter industry.

But the imagination and enthusiasm of McCulloch International Airlines has paid off to the tune of an estimated $14 million in gross revenue for 1971. The company's secret has been charter flights emphasizing personalized service and comfort for its passengers.

The September issue of Air Transport World magazine contains a cover story about president Jack Gallagher and McCulloch International. They have been a welcome addition to the Long Beach community and I am pleased to include this fine article in the RECORD.

The article follows:

McCULLOCH INTERNATIONAL SHOWS PROFIT IN DELUXE CHARTER HOPS: CALIFORNIA-BASED SUPPLEMENTAL SPECIALIZES IN FLIGHTS FOR GROUPS OF 50 TO 72 PERSONS

(By Ben H. Scarpero)

McCulloch Int'l Airlines is celebrating its first birthday as a certified supplemental U.S. carrier next month—with an already-established name for new ideas and new ways of creating charter business.

During the first quarter of 1971, a financially dismal period for a great many carriers, the Long Beach, California-based company turned in a profit of $257,000. Jack Gallagher, its president and chief executive officer, predicts that both the airline and its wholly-owned engineering and maintenance subsidiary, McCulloch Airmotive of Muskogee, Oklahoma—which he also heads—will stay firmly in the black and, in fact, become increasingly profitable.

Gallagher anticipates at least $14 million in gross revenues for 1971 from air carrier operations combined with payments for performance of outside engineering and maintenance.

For 18 years Gallagher was with New York Airways, the scheduled East Coast helicopter airline, in capacities which included those of chief pilot, and later, chief executive officer. Before that he flew for United.

Today, he has McCulloch Int'l doing things quite a bit differently from most supplementals.

At a time when many are concentrating on international group charters with large stretched-jet equipment employing saturation seating, or carrying large amounts of air cargo, McCulloch is selling charter flights stressing personalized and gracious service and comfort for groups of no more than 50 to 72 passengers.

Based on a "Discover America" (as well as "Discover Canada and Mexico") philosophy, these charters are being flown in 400-mile-

an-hour Lockheed Electra II turboprops having deluxe interiors, with equipment kept spotless and in top maintenance at all times. Charters for smaller groups of seven to nine also are available in fanjets and other twins.

As a working base for its current efforts to expand its deluxe-type charter business, the supplemental carrier has a large backlog of charter contracts from its parent corporation, McCulloch Properties, Inc., at rates approved by the U.S. Civil Aeronautics Board.

It has landed several good government contracts during the past nine months, including ones with the U.S. Navy and National Aeronautics and Space Administration, and is looking for more business in this area.

For the time being, at least, the carrier's management team couldn't care less about air cargo and freight.

A year or so ago the outlook wasn't particularly promising. Gallagher and other executives of the diversified McCulloch organization certainly saw the many, frequently somber, headlines and articles about the air charter industry appearing throughout 1970—and responded to their challenge!

An *Air Transport World* story appearing in the issue of May, 1970, for instance, was headed: "Supplementals Hit by $7 Million Loss."

Despite this pessimistic industry picture, Gallagher and his management team pressed on with full throttle, in their decision to enter the turbulent air charter arena. And, during the same month in which the story above appeared, a CAB examiner recommended approval of the McCulloch interests' application to acquire Vance Int'l Airways Inc., of Seattle.

This certificated supplemental carrier took in total revenue of less than $200,000 for the first half of 1970, and it ranked last financially among the other 12 active U.S. supplemtntal airlines.

On September 18, McCulloch Properties, Inc. (MPI) acquired Vance for $1.5 million, climaxing three years of negotiations. MPI, the developer of colorful Lake Havasu City in Arizona and other new communities, is a subsidiary of the highly prosperous McCulloch Oil Corporation of Los Angeles. It employs about 500 salesmen in its U.S. real estate offices.

MPI owns the Lake Havasu City Airport, and bought and had shipped over from England historic London Bridge, to supply a traditional note to its Arizona property.

Virtually overnight, MPI transferred Vance carrier operations to Long Beach International Airport in Southern California, where MPI's aviation division, supporting its extensive land sales activities, had been located for almost seven years.

NAME WAS CHANGED

The big reason why McCulloch acquired the Vance certificate was to make maximum use of MPI aircraft in a potentially profitable mixture of land development and expanding commercial/military charters.

Three weeks after changing owners Vance also changed names. On October 7th, it became McCulloch International Airlines, Inc., a wholly-owned subsidiary of MPI and Southern California's only certificated supplemental carrier. Other events which also occurred both before and after that date, contrast vividly with the situation in most other sectors of the airline industry.

President Gallagher calls the airline's outlook right now "very bright, highly promising, and extremely challenging."

The bulk of 1971 business, according to Gallagher will be in real estate charters for MPI. But, by the end of this year Gallagher hopes the real estate charters will add up to only about 60% of total volume, compared with around 90 per cent at the beginning. The other 40 per cent is expected to come from various types of *outside* charters.

Gallagher foresees the ideal McCulloch Int'l market to be one comprising middle-size groups who want an exceptionally high type of service. Gallagher notes:

"The Electra II we fly is just the right size, and suits our purposes very well." We specialize in a configuration large enough to be economical, yet small enough to be informal. We are certain a large, untapped market exists for the type of service we provide. Future plans call for acquisition of small transport category pure jets, but these will be ordered only after the McCulloch Int'l management team is confident the move will be economically sound."

Most of the existing supplemental airlines, Gallagher feels, have barely scratched the surface in the field comprising the U.S. domestic scene and that of Mexico and Canada, where McCulloch Int'l also is authorized to fly.

The McCulloch Int'l story really goes back to 1963, when the MPI aviation division was started with one airplane. A fleet of Constellations was built up to fly up to 25,000 land sales prospects annually. By the end of 1969, five Lockheed Electra II aircraft having deluxe passenger accommodations had replaced the Connies.

Two more Electras were added in early 1970, as plans jelled for the anticipated acquisition of Vance.

And, in a $2.2 million transaction with American Airlines, MPI obtained additional aircraft and spares originally worth $17.5 million. Included were six more Electras, one of which was quickly sold at a profit; 19 engines (14 being quick change); 15 propellers; and thousands of spare parts. Additionally, there were varied items such as a completely-equipped work dock, shop testing equipment, and a fully-instrumented Electra cockpit simulator/procedural trainer.

Of the new Electras purchased, two probably will go into service very shortly, and the remaining three are available for outside purchase.

In the initial McCulloch aviation div. inventory were one luxurious 500-mile-an-hour Dassault Fan Jet Falcon seating nine passengers; one North American Rockwell Aero Commander carrying seven, and a plush Convair 240 fitted with 18 seats. These aircraft are being used primarily for executive corporate charter flights.

A second Falcon and a second Aero Commander were obtained in late 1970, and in February, 1971, a third Commander having turboprop engines making it nearly 70 miles an hour faster than the other McCulloch Commanders, was purchased.

Jack Gallagher joined McCullough Properties, Inc. on April 1, 1970 to become president of its future airline. An aeronautical engineer, airframe and engine mechanic, and also an airline pilot having both fixed and rotary wing aircraft ratings, Gallagher was with United Air Lines for eight years before helping to organize New York Airways in 1952.

Gallagher brought with him to Long Beach Edward S. Propper, a longtime assistant at New York Airways. Propper now holds the same title of VP-technical services which he had in the helicopter operation.

All the other key officers in McCulloch Int'l have wide backgrounds of air transport experience. Douglass E. Hofmann, the VP-operations, is a veteran pilot with 21,000 hours in his log book, and many years of service with Transocean Air Lines, a pioneering charter operation.

Francis J. Crews, VP-general services, is a long-time McCulloch aviation employe, and Richard Slee, the director of accounting, formerly was with Slick Airways and Airlift International. Laurence E. Jones, the director of marketing, is another Transocean veteran.

McCulloch Int'l recently increased its Electra flight crews to 15, bringing the total number of captains and co-pilots to 30. There are 15 flight engineers; 35 stewardesses are under Kathy Vaillancourt, the chief stewardess.

Operations, engineering, maintenance, communications and other basic functions in McCulloch Int'l are on full airline standards. Structures used by the carrier are being refurbished and expanded, and the carrier's facilities presently occupy a total of about three acres of leased Long Beach airport ground.

An additional maintenance hangar for the smaller aircraft called "The Falcon's Nest" has just been constructed and new office, shop, technical and training facilities added.

Cost studies and surveys are the order of the day at Long Beach.

COMPUTER USE

Engineering and maintenance functions, performed by about 80 people, have been reorganized and put under Propper's guidance. The maintenance people now are set up to feed data constantly into McCulloch Oil Co. computers to insure maximum engine and systems reliability through constant surveillance.

The supplemental airline also uses the corporate computers in many other ways, in an increasingly sophisticated approach to the air charter business.

Other airlines and aviation organizations are beginning to contract increasingly with McCulloch Int'l to obtain reliable maintenance, training and other services.

To qualify as a McCulloch Int'l Electra pilot, a minimum of 2000 hours of flight time is required. Each new pilot also must complete a two-month ground school program.

Last year McCulloch Int'l Electra IIs rang up more than 85 million passenger miles. They were flown 6156 hours, with an overall load factor of about 65 percent.

New charter operations of various types really got going during the last quarter of 1970.

The new activities included flying university football teams; campaign tours for Governor Ronald Reagan of California; flights for top motion picture performers and production crews, and transport of professional golfers from California to Arizona and Florida for championship tournaments.

Three *regularly scheduled* flights are made each week between Houston, Texas, and Huntsville, Alabama, to accommodate personnel of the U.S. National Aeronautics and Space Administration.

Current marketing efforts are being directed particularly at travel agents, tour operators, corporations conducting sales meetings and employe-incentive flights, cultural associations, and specialized military ops.

The supplemental airline began flights for the U.S. Navy in February, 1971, under a newly-obtained contract for transportation support between mainland facilities and San Clemente Island off the California coast. In April, there were 68 Navy flights, all on time, involving 2668 passengers.

Early in 1971, McCulloch Int'l received CAB approval of its application to operate regularly scheduled commuter service between Los Angeles/Long Beach and Lake Havasu City.

No direct service between these points had been available previously, and air passengers have had to fly 357 miles by doglegs, to traverse the 235-mile "crow flight" actually involved.

The 1971 McCulloch Int'l travel promotion program envisions "holiday tours" of three days and two nights to Lake Havasu City, with a look at London Bridge included.

The newest contract signed calls for five scheduled flights each week between California and Arizona for Lockheed Aircraft Corp. personnel.

Beside its Long Beach headquarters, the supplemental airline maintains stations at Lake Havasu City; Pueblo, Colorado; Fayette-

ville, Arkansas and Muskogee, Oklahoma. Operations, maintenance and catering personnel are at each place.

Gallagher predicts a minimum of 9320 flight hours on the Electras during 1971, compared with 6156 in 1970—an increase of more than 50%.

Monthly figures for the first quarter of 1971, however, far exceed his projections.

Of the two Falcons, one already has a block of 600 hours under lease, and the other has around 750 hours committed to McCulloch elements.

Gallagher feels that each of the company's two Falcons can hit the 900-hour mark—and even the 1000-hour one.

Two of the three Commanders are expected to fly at least 1350 hours on various charters, while a third one is already under full-time lease. Falcons and Commanders flew 579 hours during the first quarter of 1971.

The wholly-owned subsidiary of McCulloch Int'l—McCulloch Airmotive—primarily has the job of supporting the airline's overall needs. But already it is doing considerable outside work, and has several months of firm work orders.

At press time, new contracts for aircraft maintenance at Muskogee has just been signed with Reeve Aleutian Airways, one of Alaska's oldest scheduled carriers, and with Universal Airlines, a supplemental airline.

Wally Hanks, a former Boeing man, is VP and general manager of the facility.

Annual revenues at Muskogee have been about $327,000, but Gallagher—who is president and chief executive officer of McCulloch Airmotive—is confident that its first year under new management will produce revenues of approximately $2.2 million.

Says Gallagher of McCulloch Int'l and its first year of operations: "We know we have made a swift and clean takeoff and we look for clear skies ahead."

THE POLISH WOMEN'S ALLIANCE OF AMERICA

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. COTTER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the 26th annual convention of the Polish Women's Alliance of America.

This outstanding group of 90,000 Polish-American women has been noted for its numerous humane activities. For example, 3 years ago the alliance was instrumental in establishing an artificial lens factory in Katowice, Poland. The reason for this activity was that many citizens had not had new glasses since World War II because of the lack of production facilities. This new plant helped remedy that serious situation.

Even earlier, at the close of World War II this dedicated group of Polish-American women worked actively to finance the reconstruction of a number of convents that had been destroyed during the war, and the alliance still contributes to the support of these convents.

These and other similar activities of the alliance deserve the highest praise. The Polish Women's Alliance of America represents the finest humanitarian instincts. It is a measure of the alliance's dedication that they are unwilling to rest from their labors.

Their future activities include strengthening their scholarship program for deserving students and the continuing support of various religious orders. I wish them every success in their current and future efforts.

We in Hartford are honored that the Polish Women's Alliance of America will hold its annual meeting in Hartford, Conn., this year. This meeting, which extends from September 25 until September 30, marks the first time that the alliance has held its convention in New England. The State president, Mrs. Julia K. Leniart, will preside and Mrs. Barbara A. Mikulski of the Community College of Baltimore will be guest speaker. The program will include a pontifical mass at the Sts. Cyril and Methodius Church.

Mr. Speaker, I know the other Members of the House will want to join with me in wishing success to this great humanitarian organization.

RALPH NADER AND THE AMERICAN AUTOMOBILE ASSOCIATION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. KOCH. Mr. Speaker, this week the American Automobile Association is holding its annual convention in New York City. This event might have gone unnoticed if it had not been for the AAA's refusal to allow Ralph Nader to address the convention. Surely, there is no single man in this country who has more effectively represented and promoted the auto consumer's interests.

Mr. Speaker, I cannot say that I was surprised by the AAA's refusal to allow Mr. Nader to speak. The organization has always warmly embraced the auto industry and undoubtedly subscribes to its favorite adage:

What's good for General Motors is good for the country.

Ralph Nader, more than any other single individual has challenged this concept and the safety of the automobiles sold to the American public.

What I did find shocking, however, was the personal attack leveled against Mr. Nader by AAA's president, Mr. William B. Bachman. In a statement before the convention, Mr. Bachman stated that Mr. Nader is not a consumer spokesman but a "dictator" supported by "sycophants."

How a man who, with relatively little help from others, challenges the establishment and status quo can be called a dictator is difficult to understand. And for the president of an organization, so unwilling to challenge the automobile industry that it still does not support mandatory seat belts and shoulder harnesses, to call Mr. Nader's supporters "sycophants" is ludicrous.

Mr. Bachman indicated that the AAA had refused Mr. Nader's request to speak because "we knew what he would say." Was it that they knew what he was going to say or thought they would not like what he was going to say—and perhaps feared the challenge he would present them?

Mr. Bachman says that he thinks the AAA has been doing a good job in representing consumer interests. And yet, while the AAA generates about $1 billion annually and holds the position that seat belts should be optional, it has not been able to launch a large educational seat belt campaign because of "limited resources." Mr. Nader has suggested that the AAA run a new car test program, but again the AAA pleads insufficient funds.

The Triple A has great road maps, but what else is it doing for the consumer?

MR. WENDELL KEIGER IS STOKES COUNTY, N.C., FARMER OF THE YEAR

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. MIZELL. Mr. Speaker, I am pleased to announce to my colleagues at this time that Mr. Wendell Keiger, of King, N.C., has been selected as Stokes County Conservation Farmer of the Year for 1971.

With a great deal of help from his family, Mr. Keiger has continued a successful tradition of dairy farming that dates back to 1804 when Mr. Keiger's great-great-great-grandfather first established the farm.

Now, five generations later, Mr. Keiger and his family continue to demonstrate how that same farm has prospered through the years. Last year, the Keiger family was named one of North Carolina's Century Farm Families, and this latest award is further testament to their hard work, dedication, and skill.

The King Times-News edition of September 9, 1971, published a front-page article heralding the selection of Mr. Keiger as Stokes County Conservation Farmer of the Year and at this time, I would like to include the text of that article in the RECORD.

I am sure my colleagues in the House join me in extending congratulations to Mr. Keiger and his family for this outstanding achievement.

The article follows:

STOKES "FARMER OF YEAR" IS NAMED HERE

Wendell Keiger, of King, has been selected as "Stokes County Conservation Farmer of the Year." He and his son, Weldon, operate a 159 acre dairy farm. Mrs. Keiger and the Keiger daughter, Beth, complete the team of the successful farm operation in King.

At the present the Keigers are milking 35 head of cows and have another 25 head of heifers and calves.

Aside from farming the Keigers are active in the Farm Bureau, FCX in King, American Legion, Trinity United Methodist Church and are a member-producer of Dairy Incorporated.

Last year the Keigers were guests at the N.C. State Fair at Raleigh where they were presented a certificate as being one of the Century Farm Families of North Carolina. The farm has been in the family since 1804. Mr. Keiger is the 5th generation and his son

will be the 6th generation on the farm. One daughter is away at school and one is a senior at South Stokes High School.

Aside from her many outside activities Mrs. Keiger has found time to beautify the yard with a lovely grouping of flowers and shrubbery.

Some of the established conservation practices that Mr. Keiger practices on the farm are crop rotations, grass waterways, field borders, strip cropping, terracing, pasture seeding and management, a farm pond and his most recent is corn and sorghum planted to no-tillage.

He has a two-row coulter typer for planting his corn or sorghum to no-tillage. The only soil disturbed is a narrow slit made by a rolling coulter and a press wheel firms the soil over the seed. It has proven to be one of the best methods in preventing soil erosion; it also conserves moisture and the farmer operator's time. It allows more crops to be grown on the land due to the reduction in land preparation time prior to planting.

As an example, this spring on some fields Mr. Keiger was able to make a hay crop and then seed to no-till corn or sorghum. This year he has no-tilled approximately 11 acres of corn and three acres of sorghum.

Soon a picture of the Keiger barn will be exhibited in FCX stores across the state of North Carolina. This beautiful barn is painted a dark red and trimmed in white.

The Soil and Water Conservation District is especially pleased with the good conservation practices that the Keiger family is carrying out on their farm and the contribution they are making toward the preservation of our natural resources in Stokes County.

ON THE MORALITY OF BUSING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, the Scripture teaches us "to love thy neighbor as thyself."

Unfortunately, our pseudo-intellectual extreme left-wing super-liberal leaders refuse to follow this commandment in dealing with their neighbors' children. They continue to demand that busing be used to forcibly integrate America's schools and establish some unnatural theory of "proper racial proportions." Yet, they would not countenance sending soldiers with fixed bayonets to force adult Americans to attend a cocktail party or jump into a swimming pool and would react violently to any attempt to force them into such a situation and deny them the right to chose their associates.

But, children and adults are one and the same—human beings being forced to do something against their choice and in many instances against their conscience. It is immoral and unthinkable in these progressive times; it is "no different from the tramping boots" of the Communist, Nazi, Fascistic or liberal police state.

I include a related editorial from the Wall Street Journal of February 26, 1971, discussing in rational terms the immorality of the situation, in the RECORD and call the attention of my colleagues to its clear, logical statement of fact:

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is, *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise miligated by any pleas that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions, there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the talk of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preference—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "Tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation, but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus badly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard, bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the

forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be re-stated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

MISS IDA ROWAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I think it is appropriate that I call to the attention of the House the death of Miss Ida Rowan, of Tupelo, Miss., who for many years was associated with the Committee on Veterans' Affairs. She was one of the first persons I met on the staff of the committee after I was elected to Congress and assigned to the committee. She had worked for many years for the chairman of the committee, the late Honorable John E. Rankin, who came from her hometown. She was possessed of an exceedingly pleasant personality and was the soul of cooperation with me and with all other members of the committee during the years of her service.

Prior to the 90th Congress, she had served not only as clerk of the Committee on World War Veterans Legislation, but also had seen service in the office of the chairman, Mr. Rankin. When the Legislative Reorganization Act was placed into effect on January 1, 1947, she was assigned to the professional staff of the committee. She remained on the staff of the committee until she retired in 1960. I am sure that all the Members who are here today and who had personal contact with "Miss Ida" will be sorry to know of her passing and will sympathize with me in our loss since another friend has left us.

CONSERVATISM—THE WAVE OF THE FUTURE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. CRANE. Mr. Speaker, it has long been said that conservatism could not win at the polls, that the American people had somehow rejected that political philosophy in 1964, and that the movement toward total government, national weakness, and an acquiescent foreign policy was, somehow, inevitable.

Yet, despite the frequent announcements of its demise, conservatism remains a vital and vibrant force on the American political scene. There are many today, and not all of them conservatives, who believe that the majority of the American people support such traditional concepts as a society which maximizes freedom, maintains order, provides for security, and strives for lasting peace through continued strength.

Recently, the Young Americans for Freedom, an organization of students and other young Americans who are devoted to the advancement of a free society, met in convention in Houston, Tex. Addressing this group was the junior Senator from New York, a conservative leader from what we had always been told was the heartland of a different and contrary political philosophy.

Senator JAMES L. BUCKLEY told the young people in Houston that—

I stand before you as 1970's Exhibit A to the fact that the currents of conservatism continue to run strong and deep in the American spirit.

He pointed out that YAF had assisted in his victorious campaign for the U.S. Senate and had "provided leadership and organizational strength to the largest group of student volunteers to work for any candidate anywhere in the United States during the 1970 campaign."

Senator BUCKLEY stated that—

I believe a majority of Americans now sense that the liberal creed has proven its complete and utter bankruptcy, its complete and utter inability to deal with the afflictions which beset the body politic.

He cautioned his audience about the deterioration of America's strategic position:

We have reached a point where we have already fallen behind Russia in important areas of conventional armament, and where the credibility of our strategic deterrent capacity will soon have reached the vanishing point.

Senator BUCKLEY's speech was hailed in an editorial in the New York Daily News. The News stated that—

It seems more than possible that it was a preview of the way most Americans are going to be thinking and acting for some years to come.

I wish to share Senator BUCKLEY's eloquent remarks, as well as the editorial from the New York News with my colleagues, and insert them into the RECORD at this time:

ANOTHER SPEECH

—which we'd like to discuss here was delivered by another distinguished American.

This one was uttered at the Young Americans for Freedom convention in Houston by Sen. James L. Buckley (C–R–N.Y.); and it seems more than possible that it was a preview of the way most Americans are going to be thinking and acting for some years to come.

A key passage in the speech:

"You and I know, as I believe a majority of Americans now sense, that the liberal creed has proved its complete and utter bankruptcy, its complete and utter inability to deal with the afflictions which beset the body politic. But the myths of liberalism, the ghosts of liberalism, still haunt the land, and it will take time and patience and faith to exorcise the last of them."

That some of those myths and ghosts already are blowing away on a conservative wind was noted with great satisfaction by Sen. Buckley and his YAF listeners.

It now is fashionable, said Buckley, "to urge a firm stand against violence on the campus . . . to warn against the faceless bureaucrats in Washington . . . to support the volunteer army . . . outside the South to suggest that forced busing [of schoolchildren to further integration] will not work."

To which, permit us to add that the time may not be far off when Congress will get up the courage to cut over-ambitious and too-powerful labor moguls down to size via right-to-work and antitrust laws, and to put some real restraints on welfare and relief dispensers who now seem bent on bleeding the taxpayers into fiscal anemia.

We could be wrong (it wouldn't be the first time), but Sen. Buckley and the Conservative Party in New York State look like triple threats to the professional liberals in both of the old parties. And certainly they are persons for all students and connoisseurs of politics to keep under close and interested observation for a long time to come.

YAF CONVENTION, SEPTEMBER 3, 1971, HOUSTON, TEX.

As a long time admirer of Young Americans for Freedom, I am delighted that I am finally able to catch up with so large and representative a group of you.

The mundane demands of earning a living made it impossible for me to be present at your founding convention at my family's

place in 1960. Nor could I be on hand for your tenth anniversary celebration in Sharon last year—this time because of the superior claim of the San Gennaro Festival in Lower Manhattan on any New York political candidate's time.

But here I am, just one year later, as your breakfast fare—mirabile mirabilorum, as a United States Senator, a product of those same forces which brought you into existence in the first place and which you in turn have done so much to strengthen.

I stand before you as 1970's exhibit A to the fact that the currents of conservatism continue to run strong and deep in the American spirit. And in a very real sense, I stand before you as exhibit A of what can be accomplished through the well-coordinated, intelligently channeled and constructive enthusiasm of which YAF seems uniquely capable.

So, I want to take this occasion to say "thank you" to the board of directors and officers and members at large of Young Americans for Freedom. Most especially, I want to express my thanks and appreciation to the members of your New York chapter. They provided leadership and organizational strength to the largest group of student volunteers to work for any candidate anywhere in the United States during the 1970 campaign. New York's political commentators are still trying to find some explanation other than the obvious one as to why so many intelligent young men and women should have poured so much of their time and money into a campaign dedicated to such neanderthal ideas as to the proper conduct of this country's affairs. Most particularly, I want to express my appreciation to Herb Stupp and Lynn Courter for their splendid job in directing my youth volunteer operation. My admiration for their skill and perseverance is unlimited.

Ladies and gentlemen, I thank you from the bottom of my heart. When the call for help went out, YAF was there . . . and YAF stayed on the job right through election day.

I hope that what you helped accomplish in New York last fall will prove antidote enough against the creeping despair which sometimes blunts the edge of conservative efforts. When we see the reckless path on which the country continues to move, when we contemplate the enormity of the obstacles which must yet be overcome, it is easy to yield to the temptation to wonder whether the struggle is worth the while. Yet if we take an objective view of American political developments over the past decade, we find ample signs of progress, ample reason for confident hope.

In 1960, when YAF was founded among snickering predictions that it would have a life of a year or two at the most, who would have predicted a Goldwater candidacy just four years away? It is fashionable, I know, to write off that candidacy as an unmitigated disaster, as the great political debacle of the age. I respectfully submit, however, that this assessment is profoundly wide of the mark. I am convinced that future historians will record that in 1964, a man of courage and principle from Arizona mobilized forces which ultimately changed the course of American politics. The Goldwater campaign measured the depth and the extent of conservative sentiment in this country. For the first time in years, the true issues were sharply defined; and conservatives throughout the land came to know that they weren't alone, that their views on the critical issues continued to have an authentic appeal for the American public.

I submit that the Goldwater campaign sparked the reawakening of a broad-based, conscious conservatism which is reflected today in the robust growth of YAF, in the spawning of a dozen significant new conservative authors, and in the election and reelection of a Phil Crane in Illinois and a Ronald Reagan in California, and most recently by the election of a Bill Archer in Texas and of a Jack Kemp in New York. And I most firmly believe that but for the forces set in motion by the Goldwater campaign in 1964, I would not today be addressing you as the junior Senator from New York.

But a counter-revolution is not effected overnight. We must accept the fact that even dead ideas have their own momentum; and that in the political process, there is an inertia which will return incumbents to office long after they have ceased to reflect the views of their constituents. It is not enough, therefore, that the liberal panaceas have been proven unworkable, or that a majority of Americans now take the conservative view on most of the major issues. We as a nation will not achieve true reform until we have rid ourselves of habits of thought implanted by decades of liberalism, or until we have effected a basic shift in the balance of power within the United States Congress.

The persistence of liberal myth in the face of devastating failure is nowhere better illustrated than in my own backyard. I speak, of course, of New York City. You will recall that just six years ago, in the year of our Lord 1965, young John V. Lochinvar came riding out of the left to rescue our fair city from those tired Tammany hacks who had brought her to such low repute. In due course, he was annointed lord mayor, and he promptly proceeded to apply to New York all the magic nostrums known to the elders of the liberal party and of the New York Times, that he might rid the city of unemployment and crime and slums and welfare and bossism.

But lo, by the sixth year of his reign, the city had become a veritable wasteland. Violent crime had not only stubbornly failed to vanish, it had insisted on rising to new highs year after year, with 1971 promising to be the banner year of them all. Welfare rolls had more than doubled to 1.2 million persons, one out of every seven New Yorkers, even as half a million residents sought refuge in presumably greener and certifiedly safer pastures elsewhere. Though he managed to balance the budget while holding the rise in city expenditures to an austere 100%, this did require certain upward adjustments in the sales and property and income and beer and cigarette and stock transfer and even hot dog taxes. He did succeed in driving out a large number of bosses. The only trouble was that they didn't happen to be political bosses. Rather, they were of that other variety who invest money, create jobs, and pay taxes. Now all the sages of Manahatta—the chieftains of the media and of academe—all agreed that whereas evil times had most certainly befallen fun city, none of the blame therefor was to be attached to the lord mayor or to the magic remedies he had applied—which were, after all, the remedies which they themselves had long been advocating. Rather, the blame was to be fixed on the insensitive parsimony of the Duke of Albany or on that of Camelot itself. And so they applauded young John V. Lochinvar when he determined to venture forth to challenge the reigning monarch for control of Camelot; in order, no doubt, that he might apply to all the realm those same remarkable remedies which had achieved such astonishing results in New York City.

Now I wish this little tale could be written off as a fable of doubtful current relevance. Unfortunately, as you all know, it is an all too true-to-life adventure which reveals so very much about the character of contemporary liberalism and of the times in which we live.

You and I know, as I believe a majority of Americans now sense, that the liberal creed has proven its complete and utter bankruptcy, its complete and utter inability to deal with the afflictions which beset the body politic. But the myths of liberalism, the ghosts of liberalism still haunt the land, and it will take time and patience and faith to exercise the last of them.

This is the great task which lies ahead of us. We must bear effective witness to the great truths which alone can make men free. This is the mission which young Americans for Freedom have adopted as their own from their earliest days, a mission which they have pursued with a sure grasp of essentials which time and again have placed them in the vanguard of American thought. What is more they have shown the moral, and at times the physical, courage to advance hard but correct positions in the face of fierce hostility.

Time and time again, the nation at large has had to discover what YAF knew long before. One hates to say "I told you so," but sometimes it needs saying:

It is now fashionable, for example, to urge a firm stand against violence on the campus. But let the Nation recall: YAF was urging it years ago.

It is now fashionable to warn against the faceless bureaucrats in Washington. But let the Nation recall: YAF was issuing that warning years ago.

It is now fashionable to support the volunteer Army. But let the Nation recall: YAF was advocating one years ago.

It is now fashionable outside the South to suggest that forced busing will not work. But let the Nation recall: YAF was saying it years ago.

YAF has never been afraid to stick its neck out when it thought principle was at stake; it has never feared to champion unpopular causes; and it has never had occasion to consult with George Gallup or the New York Times before acting.

For all this, you have just cause to be proud. But it is time once again to match your past acomplishments with a program for the future. You are assembled here to map your course over the next 2 years. As you deliberate, I would like to suggest a few areas on which you may wish to concentrate your fire.

The first and foremost of these has to do with the re-recordering of our priorities. In saner times, it would be apparent to all that the first obligation of any society is to assure its own survival; and any objective view of the alinement of forces around the globe today should satisfy the most wistful optimist that our National Security, and therefore the security of the West, has never been under so great a potential threat. Yet today, as a result of a decade of neglect on our part, and as a result of an astonishingly energetic and sustained program by the Soviets to modernize and expand every element of their forces, we have reached a point where we have already fallen behind Russia in important areas of conventional armaments, and where the credibility of our strategic deterrent capacity will soon have reached the vanishing point. This is not an exercise in scare talk of the kind which the pentagon is accused of unleashing at defense appropriation time. It is the sober judgment of the editors of the authoritative *Jane's Fighting Ships* whose latest edition predicts that by 1975, the Soviets will have the capacity to destroy, in a first strike attack, virtually all of our strategic nuclear weapons; to destroy, that is, the American deterrent force on which the free world has relied for its security since the end of the second world war. The implications are as self-evident as they are ominous. To put it graphically, if we do not begin to rearm and to develop new and more sophisticated offensive and defensive weapons on a crash basis, we will soon find that in a future Cuban missile confrontation, it will be the United States and not the Soviet Union which will be forced to back down. And once we begin backing down under pressure here and there around the globe,

we will court the disaster of a third world war. Because aggressive nations seem inevitably to overestimate the readiness of free men to retreat.

I suggest, therefore, that no more important task faces you than to help sound the alarm and to alert the American people as to the sober facts regarding our deteriorating military power. I have no doubt that once the American public is convincingly informed of the deadly seriousness of our position, they will demand that we once again place defense at the top of our list of national priorities. Because to do otherwise is to court national disaster.

On the domestic front, I know of no better standard by which to measure any and every new proposal for action at the Federal level than that which is provided by the central theme of this year's state of the Union message. I speak of Richard Nixon's assertion that this country's most urgent need is to reverse the historic flow of power to Washington. To my mind, this statement of purpose, and I believe it to be a totally sincere one, is the most refreshing and significant proposal to be made by any American President in this generation. It is a statement of purpose which provides us with a clear standard against which to assess and plan for new Federal action—A standard, I might add, which from time to time we will need to apply to proposals which emanate from the White House itself.

By this standard, the proposals for six special revenue sharing programs which would collapse more than 10 existing Federal bureaucracies and return their powers to the States and localities, these programs deserve your active support. By the same token, the family assistance program which has emerged from the House Ways and Means Committee clearly fails to meet the test, and therefore deserves to be opposed with equal vigor.

I believe that if you analyze these and other proposals in terms of their effect on the concentration or diffusion of power, you will be speaking in terms which the average American increasingly understands as he increasingly finds himself crowded by bureaucratic decisions which he feels powerless to control.

There is one area, however, where I fear the American public still needs a great deal of basic educating—understandably so, because local and State officials and the so-called opinion makers have still to learn the basic fiscal fact of American life. We need to constantly remind the public that money is not created in Washington; that the money which Washington so freely spends is money which it either picked out of their pockets in the form of taxes, or which is in effect embezzled from their savings and insurance policies and pensions through the attrition of inflation.

I hope you will devote a considerable part of your energies to helping the American public realize that the Federal Government is on the verge of spending itself into oblivion. A recent study by the Brookings Institution—hardly a conservative organization—concluded that between now and 1976, already programed growth in existing Federal commitments will use up virtually all the extra Federal revenue generated by the growth of the economy—and that is assuming (a) that no new programs are enacted, and (b) that we have unemployment of 4% or less. Yet in the few months since the Brookings Institution issued its report, the Congress has already enacted a number of totally new programs which will ultimately cost tens of billions of additional dollars. Quite clearly, something has got to give somewhere.

If we are finally to achieve some sort of fiscal self-discipline at the national level, we must reach not the politicians who will seek the easy way out, but the public who ultimately has to pay the bill and who can develop new standards by which to judge political performance. We must convince the voter—we must convince, most especially, the voters who earn between $7,000 and $15,000 a year and who provide the Federal Government with the great bulk of its personal income tax revenues, that dollars spent by Washington are the most expensive dollars—expensive because of the inherent waste associated with centrally directed programs; expensive in terms of the inflation which robs the prudent of their savings and which condemns increasing numbers of our aged to a state of dependency; and expensive in the whittling away of individual freedom because of the controls which are inevitably attached to monies dispensed by Washington.

During the years immediately ahead, I would also urge you to take an active interest, a constructive interest, in two areas of great current concern which conservatives have too often left to liberals by default. The first of these has to do with the necessary task of coming to terms with our environment. For millennia, man had assumed that the earth and water and air had an infinite capacity to absorb his wastes. We have found out the hard way, however, that these resources are finite, and that we must now seek effective ways to make our activities compatible with the natural world in which we live and on which our lives depend. The kind of balanced judgment and perspective which is the hallmark of conservative thinking is vital to the analysis of our environmental problems and to the proposal of sound, workable solutions to them.

The other area which so clearly demands conservative thought and action has to do with the very real problems still faced by some of our minorities. We must recognize that still too many black Americans are afflicted by that centuries-old legacy of dependency which is their unique burden. Therefore, special measures are not only justified but required by considerations of elemental justice.

Again, because conservative thinking and analysis is predicated on the realities of human nature and human experience, we are in a special position to propose measures which will achieve real progress. We understand that human beings can never achieve dignity and self-confidence except through self-achievement; that the surest way to true equality lies through economic integration and the mutual respect and self-respect which will come with it. These will not be achieved by exercises in paternalism or by using human beings as pawns in experiments in social engineering.

As we seek to widen the opportunities open to all Americans; as we work to make sure that each American child has access to the best education and training required to develop his innate capacities, we must at the same time have the courage to oppose those programs, however fashionable, which we know will have the opposite effect, knowing that some will impugn our motives. Specifically, it is time to acknowledge, along with growing numbers of thoughtful minority leaders, that forced busing aids neither the cause of education nor that of racial harmony.

The time, the money and the expertise now being squandered on the logistics of busing ought instead to be invested in quality education and training for each American child, recognizing that those from the most deprived backgrounds will require the greatest assistance and the most skilled instruction. Let us work together, then, to create better schools for all. Let us move to remedy the effects of racial injustice. But let us not use the children as pawns to please some current social theory that was not here yesterday and may not be here tomorrow. But in speaking out against forced busing to achieve racial balance, we must guard against the counsels and the voices of the past. The true conservative response is not exemplified by the Governor of Alabama. George Wallace standing in the school house door isn't going to solve anything. We passed that point, and God willing, we will never go back.

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"This was ridiculous," I declared, but my protest fell on deaf ears.

Both Mr. Shuster and I then proceeded to make personal statements, both to protest the highhandedness of the Soviet action and record some of our observations relating to the status and rights of Jews in the Soviet Union.

SPIRITUAL GENOCIDE

We insisted that a deliberate campaign to eradicate the soul, spirit and heart of our Jewish heritage—spiritual genocide—had been undertaken. The lack of Jewish books, Jewish music, Jewish culture was no accident. It was part of a calculated campaign to extinguish Jewish identity and pride.

In our statement, we pointed out that in Kiev, a determined effort to blot out the tragic death of 100,000 or more Jews at Babi Yar was insulting to the next of kin of these victims and to all Jews. For over 25 years, not a single marker to record the site of this tragic massacre was erected.

Now, a small monument marks the site but local residents told us it's on the wrong side of the road and, further, makes no mention of any Jews being involved. It only identifies the fact that Russians were killed.

My wife and I and Mr. and Mrs. Shuster left Moscow for London the following morning on the first plane available. Intourist pressed all of the buttons to get us out fast. They discovered seats on planes where none existed previously, cars quickly "appeared" and "flew" us to the airport at a speed of about 100 miles an hour.

"WE ARE PRISONERS"

As we were leaving Moscow, one final incident still haunted me. I recall that I had been walking from the plane to the Kiev air terminal when a woman came alongside me and in a whisper she asked "are you a Jew?" I acknowledged I was. She responded in a low voice: "Tell them, tell everybody, we are prisoners. Tell them they will not let us leave. I'm so afraid, I can't even talk to my husband. I want to go to Israel with my son. I'm afraid to talk to you."

INTRODUCTION OF THE DISTRICT OF COLUMBIA EDUCATIONAL PERSONNEL ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. FRASER. Mr. Speaker, I have introduced a bill, H.R. 10839, entitled the "District of Columbia Educational Personnel Act." A summary and justification of the bill prepared by the city government is submitted for the RECORD:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 14, 1971.

The HONORABLE,
The SPEAKER,
United States House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill entitled the "District of Columbia Educational Personnel Act". The purposes of this proposed legislation, which are more fully set out in the attached summary and justification of the various titles of the bill, can be stated briefly as follows:

Title I authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel.

Title II authorizes the advancing of emergency leave to temporary teachers and attendance officers. Such advancement of leave is presently available only to permanent and probationary teachers and attendance officers.

Title III amends the District of Columbia Teachers' Leave Act of 1949 to increase from ten days to thirteen days the amount of cumulative sick and emergency leave available for use by school teachers during the school year.

Title IV allows temporary teachers in the District public school system to voluntarily apply for Federal life insurance and health benefits coverage after completion of one year's service, rather than after service of two years as required at present.

Title V amends existing law to transfer coverage of temporary teachers in the District public school system from the Civil Service Retirement System to the system established under the District of Columbia Public School Teachers Retirement Act. This title would also authorize the transfer of all retirement deductions from the salaries of such teachers and all matching funds made by the District Government from the Civil Service Retirement and Disability Fund to the District of Columbia Teachers Retirement and Annuity Fund.

Title VI authorizes summer employment of District school teachers in Congressional offices. This title negates a restrictive provision of law that the Commissioner believes was not intended by the Congress.

For the various reasons stated in the attached justification, the Commissioner of the District of Columbia believes that the enactment of each of the titles of the proposed legislation will be of substantial benefit to personnel employed in educational activities of the public school system and will contribute to the advancement of education in the District. He therefore urges favorable consideration of the bill by the Congress.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.

Attachments.

SUMMARY AND JUSTIFICATION OF PROVISIONS OF THE DISTRICT OF COLUMBIA EDUCATIONAL PERSONNEL ACT

TITLE I—INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

Title I of the bill authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel. This title is designed to provide an efficient means of bridging differences in substantive and procedural arrangements for qualifications of teachers and other educators, without affecting the autonomy of individual State educational systems.

Each State and the District of Columbia now has its own system of law and administrative practice governing the process of licensing or certifying teachers. In varying degrees, the systems are based on detailed descriptions of course requirements attached to teacher-training programs and a miscellaneous list of other statutory and administrative requirements. While many of these requirements vary there is a large body of generally agreed upon principles utilized in determining satisfactory teacher certification. In brief, with only very rare and limited exceptions, a person who is well prepared as a teacher or other school professional in one State can also function well in other States.

The enactment of title I will allow the District to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. This should result in faster processing of teacher applications, improve teacher morale, permit rapid identification of qualified teachers, and increase the supply of qualified educational personnel. As many of the District's educational personnel come from without the District, the bill will facilitate the certification process and thereby improve recruitment procedures.

Title I is in the nature of enabling legislation. It provides the necessary legal authority whereby the Board of Education of the District may institute procedures to permit the recognition of decisions on teacher qualifications already made in party States. At the same time safeguards are provided to assure each participating State that such procedures will not produce interstate acceptance of substandard educational personnel. This legislation requires no new administrative body and requires no appropriations to become effective.

The heart of the Interstate Agreement is in its provisions authorizing the making of contracts by designated State educational officials. These contracts would have the force of law and would prescribe the methods under which teacher qualifications of a signatory State could be accepted by party States without the necessity for re-examination of such qualifications. The Agreement specifies the minimum contents of such contracts in such a way as to assure the contracting States that standards employed for passing on qualifications will remain at a high professional level.

The Interstate Agreement has received national recognition as a means of overcoming the problem of reciprocity in the certification of educational personnel. At present the legislatures of 17 States have adopted the Interstate Agreement on Qualification of Educational Personnel, and this legislation would authorize the District to do likewise.

The Commissioner believes that the enactment of title I will contribute to the advancement of education in the District, and also bring the District further in line with the prevailing policy of interstate coordination and cooperation.

TITLE II—EMERGENCY LEAVE FOR TEMPORARY TEACHERS AND ATTENDANCE OFFICERS

Section 4 of the District of Columbia Teachers' Leave Act of 1949, as amended (D.C. Code, sec. 31–694) provides:

"In cases of serious disability or ailments, and when required by the exigencies of the situation, and in accordance with such rules and regulations as the Board of Education may prescribe, the Superintendent of Schools may advance additional leave with pay not to exceed thirty days to *every probationary or permanent teacher or attendance officer* who may apply for such advanced leave." (Emphasis supplied.)

The Government of the District of Columbia, with the concurrence of the Board of Education, is recommending that this provision be expanded to include teachers and attendance officers classified as temporary employees. In view of the fact that some teachers or attendance officers may remain in a temproary status for some time while earning their accreditation for probationary status, while others classified as temporary teachers or attendance officers cannot for various reasons qualify for permanent appointment, the authority to advocate emergency leave to permanent or probationary teachers or attendance officers should, in all fairness, be extended to temporary teachers and attendance officers. The amendment of section 6 of the Teachers' Leave Act proposed by title II would make temporary teachers and temporary attendance officers eligible for the advancement of emergency leave by the Superintendent of Schools, under the same rules as apply to other public school teachers and attendance officers.

TITLE III—INCREASE IN SICK AND EMERGENCY LEAVES FOR TEACHERS

Under existing law, teachers and other educational employees in class 15 of the teachers' salary schedule receive one day of cumu-

lative sick and emergency leave with pay for each month from September through June, or ten days a year. The employee may use three days of such cumulative leave during the school year for any purpose, and unused leave may be accumulated without limitation.

In actual practice, the yearly leave entitlement of ten days represents only seven days of sick leave, since an estimated 75 percent of the teachers, by necessity, use all three days of general or emergency leave each school year. The latest available nationwide study of paid leave provisions for teachers indicates that ten days is the prevalent annual allowance for sick leave alone.

Title III of the bill would increase to thirteen days the annual allowance for cumulative leave to which teachers are entitled. After subtracting the three days of emergency leave that the majority of teachers use each year, ten days would remain for sick leave credit. This increase in the amount of allowable annual sick leave is justified not only in view of prevailing practices in other school systems, but in the need to provide a more reasonable sick leave reserve for teachers who become ill. In 1969 most teachers at the time of retirement had accumulated an average of only 23 days of sick leave. It is anticipated that enactment of title III will double the accumulation of sick leave, thereby giving teachers a greater sense of security in the event of frequent or lengthy loss of time because of illness.

The cost of the benefits provided by title III for a fiscal year is estimated at $200,000, based upon an assumed ten percent increase in the use of sick leave by teachers and the resultant added need for substitute teachers. The following additional annual costs, projected from fiscal year 1973 through fiscal year 1980, reflect the financial impact of the proposed increase in sick leave on the District's share of funding liberalized retirement benefits provided by the District of Columbia Teachers' Retirement Amendments of 1970 (Public Law 91-263) approved May 22, 1970:

Fiscal Year:	*Cost*
1973	$2,800
1974	5,400
1975	8,000
1976	10,700
1977	13,400
1978	16,000
1979	18,600
1980	21,300

Section 1 of the Teachers' Retirement Amendments of 1970 provides that unused sick leave credited to a teacher at the time of eligibility for retirement shall be used in determining length of service for purposes of computing his annuity. Since, as previously indicated, the average accumulation of 23 days of sick leave is expected to double, the above additional yearly costs are anticipated.

TITLE IV—LIFE AND HEALTH INSURANCE BENEFITS FOR TEMPORARY TEACHERS

The purpose of title IV is to permit temporary teachers in the District public school system to elect coverage under the Federal life insurance and health insurance programs after completion of one school year of service. At present, temporary teachers may not apply for coverage under these programs until after the completion of two school years of service.

Section 9 of the District of Columbia Teachers Salary Act of 1955 (D.C. Code, sec. 31-1534) authorizes the Board of Education to appoint temporary employees for periods that do not extend past June 30 of the fiscal year in which the employee is appointed. However, temporary teachers can be and are reemployed in subsequent school years and constitute a substantial portion of the teaching force in District public schools. Of approximately 8,000 teachers employed in the school system, 1,020 are classified as temporary teachers. Of the 1,020 temporary teachers, approximately 637 or almost two-thirds have served for periods of time totaling two years and are thus eligible for coverage under the life insurance and health benefits programs.

Temporary employees in other positions in the Federal and District Governments are not eligible for life or health insurance coverage when employed for periods of less than one year regardless of how many such periods they serve. The amendment proposed by title IV recognizes the unique status of temporary teachers who, in contrast to other temporary employees, are not hired to fill positions which are expected to be of short duration. Temporary teachers do not possess all of the qualifications needed to receive probationary appointments, but nevertheless fill continuing positions in the school system in the absence of fully qualified teachers. Title IV does not, therefore, establish a new principle of law but expands an existing exception for temporary teachers who, by completing one school year and commencing a second one, indicate their intention to enter into a continuing employment relationship.

Presently 145 temporary teachers with more than one year but less than two years of service in the public schools would become eligible for life insurance and health benefits coverage upon enactment of title IV. Although participation in both plans is voluntary, should all of the eligible temporary teachers elect coverage, costs to the District of Columbia for the first full fiscal year is estimated as follows:

	Average annual cost per teacher	Number of teachers	Full fiscal year cost
Health insurance	$90	145	$13,000
Life insurance	36	145	5,200
Total			18,200

This cost figure has not been adjusted to reflect the fact that temporary teachers in the group who attain two years of school service during the fiscal year would become eligible for coverage under existing law. Nor has it been determined how many of the 238 temporary teachers with less than one year's service who would attain eligibility upon enactment of title IV after completion of service of one year will be employed during ensuing school years.

TITLE V—TRANSFER OF RETIREMENT COVERAGE FOR TEMPORARY TEACHERS

Title V of the bill amends existing law by striking references to "probationary" and "permanent" teachers and employees of the Board of Education, thereby effecting the inclusion of "temporary" teachers (i.e., those teachers whose employment contracts do not exceed periods of one year) in the teachers' retirement system. Pursuant to provisions of section 19 of the District of Columbia Teachers Salary Act of 1955 (D.C. Code, sec. 31-1548), the teachers' retirement system is made applicable only to permanent and probationary employees of the public schools and thus excludes temporary teachers who do not fall within either of these classes. Temporary teachers are presently subject to coverage under the Civil Service retirement program, pursuant to paragraph (11) of section 8331 (1) of title 5 of the U.S. Code, since they are employees not subject to another retirement system for Government employees.

Section 502 of the bill would authorize the transfer of all retirement deductions and deposits from the salaries of temporary teachers and all matching funds contributed by the District Government for such teachers from the Civil Service Retirement and Disability Fund to the credit of the District of Columbia Teachers Retirement and Annuity Fund. The transfer of funds would be made only with respect to deductions and contributions affecting those temporary teachers on the rolls of the public schools as of the effective date of such section 502.

The replacement of Civil Service retirement coverage with the system established for teachers in the public schools will result in a reduction of an estimated $1,000,000 annually in the amount now paid by the District Government into the Civil Service retirement system. Upon receiving a probationary or permanent appointment, or upon leaving the employment of the District Government, most temporary teachers withdraw their contributions to the Civil Service retirement fund, a practice which causes a loss of the matching amounts contributed by the District for each such employee. Coverage under the teachers' retirement system does not require the contribution of matching amounts by the District of Columbia.

In addition to the monetary savings, the proposed transfer of retirement coverage will reduce the administrative paper work involved in transferring retirement monies between the respective funds when a temporary teacher qualifies for a probationary appointment. It is estimated that the transfer of coverage from the Civil Service system to the teachers' retirement system will eliminate one thousand paper transactions a year.

Section 503 of title V is designed to correct an inequity caused by current salary placement provisions in the District of Columbia Teachers' Salary Act as applied to educational personnel employed at the District of Columbia Teachers College who, pursuant to an agreement consumated under the authority of the District of Columbia Public Education Act (D.C. Code, sec. 31-1603(a)(12)), were transferred from the control of the Board of Education to that of the Board of Higher Education. Teachers currently above step 10 in salary class 15 of the Teachers' Salary Act who wish to accept appointment in the public schools without a break in service can only be reappointed at step 10. Section 503 provides that these employees will be treated for salary placement and retirement purposes as if they had never left the employ of the Board of Education.

Section 504 provides an effective date for sections 501 and 502 of the bill with the first pay period which begins on or after 60 days after enactment of title V.

TITLE VI—SUMMER EMPLOYMENT OF DISTRICT TEACHERS IN CONGRESSIONAL OFFICES

Title VI would amend section 5533 of title 5 of the United States Code, as amended by section 477(d) of the Legislative Reorganization Act of 1970 (84 Stat. 1195), so as to negate a restrictive provision contained in subsection (c) of such section which has the effect of precluding the employment of District public school teachers in Congressional offices during the summer months of the school year.

Section 5533(c) of title 5 of the United States Code provides in pertinent part as follows:

"(c)(1) Unless otherwise authorized by law . . . appropriated funds are not available for payment to an individual of pay from more than one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds $7,724 a year,

* * * * *

"(3) For the purposes of this subsection 'gross pay' means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.".

A position is defined by section 5531(2) of title 5, as a civilian office or position in the legislative, executive, or judicial branch of the United States Government or in the municipal government of the District of Columbia. Inasmuch as the basic annual

pay of District school teachers exceeds the limitation contained in section 5533(c), this latter provision effectively precludes their employment in positions in the offices listed in paragraph (1) of such subsection (c) during the summer vacation period, at a time when many such teachers are not drawing salary from the District Government and are not actually engaged in teaching in the school system.

It would appear that this is not one of the results intended or anticipated by Congress, especially in view of the fact that under paragraph (c) of section 5533(d) of title 5, the Congress specifically excepted pay received by teachers for employment in a position during the summer from the prohibition in section 5533(a) against the receipt of basic pay from more than one position for more than an aggregate of forty hours of work in one calendar week. The anomaly of existing law, therefore, is that District teachers may, during the summer months, work anywhere in the District Government and in the executive or judicial branches of the Federal Government, but may not work for the legislative branch.

Under the temporary authority provided in annual District of Columbia Appropriation Acts, public school teachers working for Congress during the summer months are now exempted from the provisions of section 5533(c) of title 5.

In view of the matters recited above, the Commissioner believes it is fair and equitable to provide permanent authority for District school teachers to obtain employment in Congressional offices during the summer vacation period when they are not engaged in teaching activities, and, therefore, recommends the amendment of section 5533 of title 5, United States Code, as provided by title VI.

TITLE VII—EFFECTIVE DATE

Title VII provides an effective date for sections 401, 501, and 502 of the bill on the first day of the first pay period which begins on or after sixty days after the date of enactment.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SPRINGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, the following is the seventh of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 4, 1971.

WHERE THEY EXIST . . . SERVICES FRAGMENTED

(By Carol Ann Smith)

There are social services available in Champaign County to its aged residents; they are not non-existent. But they are fragmented, uncoordinated and no one of them serves more than 200 persons at a given time.

Most of them are church-sponsored and are considered to offer basically social outlets. Churches, as in the case of other disadvantaged groups, can be quite effective in helping to bring services to bear on a given individual whose undeniable need comes to their attention. The churches understandably are concerned with taking care of their own.

There are state agencies which have various service-programs, some of them pilot programs involved in the aged with the very young, some providing housekeepers or homemakers to the aged.

There are county agencies which provide health and mental health services, but extant data indicates these reach smaller proportions of the population and the funds are state funds.

In terms of the community and community-wide social service organization, Champaign-Urbana can point to only three agencies which purport to reach the entire community.

Telecare serves the entire county and its $20,000 a year budget comes from federal funding and local contributions. The Champaign Park District and Urbana Park District Senior Citizens groups also have mixed funding, but are based primarily on a park district taxing power.

Telecare is perhaps the best publicized of the three, perhaps because it is unique and because it depends so heavily on volunteer help.

Its avowed purpose is "to help older people maintain their independent living arrangements as long as possible and help them make satisfactory adjustments whenever this is no longer feasible."

It maintains several types of services, telephone and referral service transportation, friendly visiting, reassurance calls to shut-ins, employment (the Senior Talent Employment Pool), counseling, and a variety of other services.

It is Telecare personnel who have a real idea of what's happening to some of the aged in the county:

An 85-year-old woman living alone in a trailer who has a pathological fear of storms and does not feel free to call her two daughters, another woman who has since her sister's death isolated herself to the point that no one is certain she is eating;

The victims of consumer fraud, the problems of housing in buildings which are devoted to the elderly but which have no handrails on the stairways, the falls, the disastrous effect of recovery from a serious illness, and the families.

Conflicts between mothers and daughters-in-law, the dislocations of shunting a parent from one home to another, the desire to work and having no way to get there if there were work.

They hear a lot of it in reassurance calls to the very lonely, they see it in the real problems of getting in and out of an automobile and they try to do what can be done on their budget.

And Janie Bloomer, coordinator of Telecare, understandably wonders about those they don't reach, those who believe that Telecare is for everyone else but themselves, and the black community.

"Take this business of loneliness," she said. "Most people wouldn't even think about it but many of these people don't eat properly. They don't like to or want to cook for themselves and poor eating habits can leave you wide open to debilitating disease.

"A lot of the aged are afraid to complain—most of them have lost so much they are afraid to risk losing any more," she continued.

"I think we've been effective in a lot of areas, but we've had a couple of notable failures, like the Mass Transit District," Mrs. Bloomer observed.

"We tried to get the district to put an extra step on the new buses and they gave us a bunch of ballyhoo about how it couldn't be done."

Other groups attempted to influence the routing of the buses thinking in terms of areas where large groups of the aged lived, and got no farther than Telecare. Nor do the buses run on Sunday, leaving the aged with no public transportation to church.

And Telecare has its financial problems. In June, 1972, its three-year Action on Aging Grant expires and no one is sure of what will happen then.

Some of its most avid supporters are convinced that Telecare will die, if not in June, at least in the foreseeable future.

"You look at this place, look at the histories of its social service groups and you'll see that all of them died," said one observer, "And they all died of the same thing: strangulation by financial squeeze."

The Champaign Park District Senior Citizens is another visible group and a unique one. It had a stormy history and survived it.

The Champaign Senior Citizens is recreation-oriented, and that is what it was designed to be, according to Nelle R. Hays, its coordinator.

Miss Hays, a determined, hard-working woman who is active politically in terms of the White House Conference on Aging, believes strongly in the recreation offered by the park district to its aged residents.

"I really believe in it," she said, "because I have seen the results and they have been so very positive. My life has been strengthened because of my contact with these people."

Recreation at "C" Center, the park district facility out of which Miss Hays works, involves handicrafts of real quality, educational programs, trips, "making friends."

"We aren't reaching people, I know," she said. "It's a real problem—they have to want to come here and there are some misconceptions about what we are doing."

"Many of them are frightened to push out, and furthermore this is the generation for which "recreation" was a bad word. Recreation was a luxury as they grew up and certainly during their working lives—they almost have to be sold on it," she said.

While its membership is high, only 30 to 40 persons are active at "C" Center.

"We just can't go out and recruit," Miss Hays said. "I wish we could, but we can't."

The Committee on Aging is the only community-wide organization which purports to consider the problems of the aged from all perspectives. It too has serious trouble.

Right now the group has no sponsoring agency, although the Council of Congregations has agreed to "work along" with the Committee.

"We used to be sponsored by the United Fund," said Mrs. Susie Powell, a committee member, "but they had to drop us. I guess because there wasn't enough money to go around."

It was designed to be primarily a research and study group, but Mrs. Powell, for one sees possibilities for coordination and problem-solving. Her perspective caused her to "blow up" at a committee meeting.

"I just got sick and tired of talking about things when what we need is action," she said as she looked back on the incident. "I was tired of hearing 'This is a problem' and then seeing nothing done about it."

"Services are very fragmented, you know, if there are any. I just think something has to be done."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. SCHERLE. Mr. Speaker, a child ask: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How Long?

RURAL DEVELOPMENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. PICKLE. Mr. Speaker, I commend the House Agriculture Committee for opening hearings on rural development.

These are indeed long-range and far-sighted hearings. They attack a problem which has long needed just this kind of highlight in order to get in motion the forces which can help set us on a more healthy track.

In seeking to reform farm credit, in going beyond credit into all phases of rural life to build a viable and vibrant rural America, this committee deserves the highest regard of all America.

I. INTERDEPENDENCE OF RURAL AND URBAN AMERICA

Probably one of the most important realizations which must come out of these hearings is one the committee is all familiar with—the realization that rural development is not a matter only for Congressmen with rural districts. Rather, the health of our rural areas and the health of our urban areas are closely tied together—far more closely I think than has been given full credit in the past.

In my district, with one-half the population in a sizable urban district and one-half the population in a more rural setting, the links are easy for me to see—the interchange of people, goods, and services, the interrelated health come clear. This interdependence may not come so clear in a district which is not half and half like mine—but the fact of that interdependence holds nevertheless. We must never forget that.

Indeed, I wonder if it would not be a good idea to combine some of our rural and urban development programs under a single bill—to bring this point home to the voters and to the Congress as well.

II. GETTING INDUSTRY INTO RURAL AREAS

The second major point which will get full floodlighting in these hearings I am sure is one we are also all well acquainted with—the fact that we have a lot of work to do in rural America.

About three-fourths of our people live in urban areas—but about one-half of our poor people live in rural areas. We hear much about urban blight, and urban problems are in the headlines daily. But many of our rural areas are equally, or more desperately, in need of help.

The call not only is to provide basic services for rural America—good schools, adequate electricity and power, adequate health facilities, and housing—the call is to provide them in high quality. Only then can we perform the dual task of revitalizing rural America and easing the pressure on our cities.

One matter gives me great hope: As much as there is still a heavy inflow of population to our urban areas, there is increasing evidence of a reverse trend as well.

The Bureau of Business Research at the University of Texas notes that in the nonmetropolitan counties of Texas during the years 1960–70 there was a very modest 1.3 percent growth rate—substantially less than the rate of 16.9 percent for the entire State of Texas.

But the Bureau goes on to note,

Even though the rate of population growth in nonmetropolitan areas of Texas was small, the fact that there was any growth is significant. In the 1950's the areas had shown a slight decline.

So, in spite of the call of the city, the call—or the peace and quiet—of the country still has its lure, and many believe it is getting stronger all the time as people become fed up with the hassle of city life.

What this boils down to, in my opinion, is that the time is now ripe to move on rural development.

More and more industries are expressing an interest in locating in less crowded areas. Our primary job is to get those areas ready for industry.

To do this requires, as you well know, an assault on almost every facet of life. Industry can now think about moving to rural areas because modern transportation lines make rural America more accessible—but the job is far from complete. Industry can now think about moving to rural America because of the magnificent job FHA has done in getting water and sewage facilities installed in rural areas—but the task before us here looms still gigantic.

Housing needs are critical. A recent report from USDA indicates rural America, while it contains 30 percent of the Nation's people, contains 60 percent of her substandard housing. Here again is a gigantic task for the Farmers Home Administration which they cannot do without our substantial assistance. And the list goes on—schools, hospitals, trained personnel in all fields.

We are taking one good step in the right direction with the health manpower bill, especially with its specific provisions to attack head-on the shortage of doctors in rural America. Hopefully the bill will soon be out of conference and on its way to operation.

And we took two more good steps toward preparing rural America for industry recently with the creation of a rural telephone bank and with the increase of funds for loans to our rural electric cooperatives. But now we must see that those funds make it through the bureaucracy—particularly the OMB—and do indeed reach our co-ops. And at the same time, we need to be looking for further sources of funds for our electric co-ops. It will be a long time yet before their own Cooperative Finance Corporation can handle their needs itself. I think we should look again at the possibility of some sort of revised REA bank bill.

III. NEED FOR SPECAL DROUGHT LEGISLATION

Rural electric cooperatives are as well a great service to another part of rural America—the original part—the farm and the ranch.

I am sure others of my colleagues have reminded the Congress of the words of Daniel Webster.

When tillage begins, other arts follow. The farmers, therefore, are the founders of civilization.

More than that, they are the maintainers of civilization. All the turmoil and problem we face in this country today would be miniscule compared to the turmoil that would arise should we lose our farm productivity—should we suddenly find ourselves facing the stark realization that this country could no longer feed itself.

Our farm and ranch areas must be kept healthy if we are ever to hope to attack successfully any other problem this country faces.

And, in spite of all the advantages and advances of modern agriculture, farming remains a risky business.

We have developed better types of crops—crops more productive, more resistant to wet and to dry weather, to disease and pests. We have slowed soil erosion and found ways to keep the soil healthy year after year. But still nature asserts her freedom over the farmer.

And one of the most devastating tools she uses is the drought.

In July of this year, I proposed that our present drought relief programs are fraught with glaring deficiencies. A drought is a special kind of disaster, and our farmers need special help to recover from it.

In July I said:

"A drought is probably the most deadly of disasters which can strike a farmer or rancher. It is so deadly because it is so enduring. It comes up on him slowly, it saps his strength slowly, and it only slowly yields to recover efforts. Even if it does rain in the meantime, a lost crop is gone forever; a decimated foundation herd will take years to build up; top soil will take generations to rebuild.

There are things which the Federal Government can do to help—but mostly right now Federal assistance is one mass of stumbling blocks. Perhaps this is because a drought is not so dramatic a disaster as a hurricane or a tornado or a flood. Those disasters come quickly—and go quickly, and we can all go down and survey the damage and rush in aid and rebuild. But a drought is harder to follow and the aid not so dazzling.

I think it is time for the Congress to plant its feet in the good—if dry—soil of this country and look a drought in the face. I think it is time for us to clear the dust from our eyes and give our farmers and ranchers an aid program which will help them.

I pointed out that the drought in the headlines at that time centered in the Southwest, but:

Each of us here with a rural constituency knows that his time will come—his time to be faced with major farm disasters and only piles of red tape to scatter over decimated fields. And each of us here with urban constituencies need only watch the price of meat, of corn, of cotton goods, of bread—even of bread—to know that his time is coming, too, when his people back home will feel the drought dipping into their own pocketbooks.

I then proposed some legislation to help correct some of the deficiencies in our current drought program. I here

again call for speedy action on these proposals and on the issue of drought relief in general. I am sure the committee will be able to put its long and deep wisdom in agricultural matters behind a good drought relief program—something we must have if we are to have a viable rural America.

I was pleased to see that the Agriculture Department removed the infamous so-called pauper's oath which a farmer was forced to sign before he could qualify for emergency hay and feed. I was pleased that the legislation we had introduced along these lines proved unnecessary after the Agriculture Department decided to go ahead and act along these lines on its own.

I had also introduced a bill which seeks to aid recovery from a drought by keeping a farmer's support payments on a more even keel. As I explained it in July:

A farmer's support payment is based on an average yield, called the history, computed over the 3 preceding years of the farmer's operation. But whenever there is a drought year, there is every possibility that the crop yield will be extremely low—and the farmer's average pulled way down. This means that not only must he contend with the bad year but that he is penalized for the next 3 years—years in which he is trying to get back on his feet—by the low average. My bill would simply ignore drought years in computing that farmer's history, with the concurrence of the county ASCS Committee.

I recognize that the 1970 Agriculture Act gave the Secretary the discretion to take drought years into account when computing a farmer's history. And I am glad to see that this administration has finally come around to do so. It is not that I do not trust this administration or any other administration, but I simply think that this matter ought to be one of law, not of discretion. Even when an administrator recognizes the need for taking drought years into account the delays in getting the thing into operation have brought our farmers down to the fall line before they know if they are going to live or die. This bill would clear the matter up for both sides.

I also introduced a bill which is identical to one introduced by my good colleague from Oklahoma, the Honorable ED EDMONDSON. This bill attempts to remove much of the redtape surrounding a disaster declaration and expands the provisions of the forgiveness clause relating to loans made by the Farmers Home Administration.

As I again explained when I introduced these bills:

This bill authorizes the Secretary of Agriculture to designate an area of a State as a drought emergency area upon a request from the Governor of that State. He may do so if he finds that total precipitation for at least 3 of the previous 6 months has been less than one-half normal, as determined by the Environmental Science Service Administration, or if he finds that the need for agriculture credit in the area is the result of a drought.

The Secretary may then move immediately to furnish emergency hay and feed to drought-stricken farmers and ranchers, to institute emergency FHA loans, and to provide unemployment compensation up to the maximum amount or duration of payment under that State's unemployment program.

The Secretary may further cancel all portions of loans which were meant to cover losses due to a major disaster or due to a drought deemed by the Secretary to be an emergency to the extent that those losses are not compensated for by insurance or any other means.

I urged then, and I urge now that this committee include a viable drought relief program in its formation of legislation for rural development.

IV. INHERITANCE TAX REFORM

The sad truth is, that more than nature stands in the way of the farmer today. Some of our own laws produce key roadblocks to the livelihood of our family farm. I introduced a bill last month to correct one of those roadblocks—inordinate inheritance taxes based not on the earning power of an estate but on its estimated gross value.

My bill is designed to correct some inequities in our present Federal inheritance tax system—inequities which are hard hitting our small farms, ranches, and businesses. Specifically, I propose to base the amount of tax not on the estimated gross value of the estate, but on the basis of its earning power.

At the present time, the tax value of an estate is based on local market value. In the case of small farms and ranches, however, this can turn out to be grossly unfair.

In a growing number of instances, the market value of a farm or ranch is being based not on the amount the farmer or rancher might get per acre were he to sell his land to another farmer or rancher—but is based on the amount a nearby land speculator pays per acre for land he intends to develop or he purchased for tax purposes.

The earning power of a small farm is often small compared with the total value of the property, especially when speculative figures are used. This means that without a substantial source of outside income it is often impossible to pay the staggering inheritance tax.

And the alternatives are simple—the recipient can sell the property or he can borrow money to pay the taxes. But there may be no speculators around when he needs to sell—and instances are common where the tax is so high and the earning power so low that the annual interest on a loan to pay the taxes would outstrip the earning power of the farm.

I do not think a family should be forced to sell inherited property simply because they are middle or lower income and cannot pay the Federal inheritance taxes. Often the property is already heavily mortgaged and other taxes on ownership of property are also high.

I am not changing the tax rate. That would still be in effect. But it would not prohibit a middle or lower income family from inheriting an estate because it would be proportionate to the amount of capital the property brings in.

Mr. Speaker, I urge my colleagues to support this long-needed proposal. It attempts to correct a situation which was not foreseen but which can be corrected. I hope that in the near future it will once again be possible for families to receive what should be theirs—particularly with respect to our small farms, our small ranches, and our small businesses.

Statisticians tell us the family farm is disappearing—and surely this is one ambush we can remove from his path.

V. BENEFITS OF THE FAMILY FARM

The family farmer, the farmer who wants to pass his farm on to his children, is not as extinct as some reports would have us believe. Many of the corporation farms, for instance, are simply family-owned corporations, set up to reap better benefits from Uncle Sam.

But the family farm is in trouble, deep trouble, and this is a shame. It is becoming more and more clear just what the benefits of our many family farms are—benefits besides the nostalgic picture we all have of the rugged American pioneer and individualist tilling his own land with his sons nearby.

Reports are showing now that the family farmer is productive—at least as productive as his corporate giant neighbor. Reports are showing that the family farmer cares for his land with the care that can only come from knowing that his son's livelihood will someday depend on the health of that land. Reports do not need to show the benefits small towns nearby reap from farmers who do their living and shopping and purchase their feed and equipment in the area instead of in a far-away headquarters.

I want to make it clear that this is not to say that the large corporate, absentee-owned farm is not productive, not good for this country or the economy. What I am saying is that we are realizing that this is not the only way to farm productively—and that we need to have a balance in our attitude toward farmers—big, medium, and small.

BRITAIN EXPELS COMMUNIST SPIES AT RUSSIAN EMBASSY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. RARICK. Mr. Speaker, the expulsion by the British Government of 105 Soviet Communist employees at the Russian Embassy in London as announced in today's Washington Evening Star is additional proof that there still exists an international Communist conspiracy.

According to the news account, a Soviet defector to the West, an officer of the KGB, turned over to British authorities information and documents revealing a Russian spy network and plans for infiltration of agents for the purpose of sabotage.

The latest British move to expel the Reds recalls to mind similar action taken by the Mexican Government in March of this year in expelling five members of the Soviet Embassy staff in retaliation for alleged Soviet support of a plot to overthrow the Mexican Govern-

ment—See CONGRESSIONAL RECORD of April 27, 1971, page 12294. Officials had uncovered a plot by Mexican guerrillas trained in Moscow and North Korea to overthrow the Mexican Government.

While British and Mexican authorities take stern measures to deal with communist conspirators and recognize the communist threat to their people, this country allows them the freedom to teach in our schools as well as to work in our defense plants and for our Government.

While recent subversive activities of Soviet agents in England and Mexico manifest that there is a worldwide criminal conspiracy, this body on September 14 gave legislative approval to the notion that there no longer is a world Communist conspiracy threatening the American people and the rest of the free world by, in effect, repealing title II of the Internal Security Act of 1950 (50 U.S.C. 811–826)—See CONGRESSIONAL RECORD of September 15, 1971, pages 32049–32050. The title contained "congressional finding of necessity" that clearly stated:

There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise) espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

The Government of Great Britain has rightfully earned the respect and admiration of all free citizens of the world for its courageous leadership in expelling Soviet spies and saboteurs who were in England disguised as Soviet Embassy employees.

We, in the United States, can only hope that our Soviet ally does not transfer these agents and their plans to the Russian Embassy in Washington, D.C., or to the U.N. delegation in New York City which they must regard as easier duty generally assigned to fledgling spies.

I insert a related newsclipping:

[From the Washington Evening Star, Sept. 24, 1971]

SOVIET AGENT DEFECTS WITH SPY PAPERS

LONDON.—A senior Soviet intelligence agent defected to Britain with documents on a Russian spy network, the Foreign Office announced today. It ordered 105 Soviet employes of the embassy, the trade delegation, the tourist agency Intourist, the Moscow Narodny Bank and the Aeroflot airline to leave Britain.

Ninety on duty here were given two weeks to leave. Another 15, currently abroad, will be denied permission to return to London.

The mass expulsion is the biggest in modern diplomatic history except in case of countries breaking off relations.

NONE WILL BE REPLACED

Sir Denis Greenhill, permanent secretary acting for Foreign Secretary Sir Alec Douglas-Home, gave the decision in written form to Ivan Ippliotov, the Soviet chargé d'affaires.

None will be replaced, the British said. This would reduce the Soviet population to 445. The Foreign Office said anyone else detected in espionage activities would be ejected without replacement.

The Foreign Office said: "Evidence of the scale and nature of Soviet espionage in Britain conducted under the auspices of the Soviet Embassy, trade delegations and other organizations, has been provided by a Soviet official who recently applied for and was given permission to remain in this country.

KGB OFFICER DETECTS

"This man, an officer of the KGB, brought with him certain information and documents including plans for infiltration of agents for the purpose of sabotage."

The Russians ordered to quit Britain apparently work for the Soviet trade delegation, the airline Aeroflot, the tourist agency Intourist and the Moscow Narodny Bank as well as the embassy.

Foreign Office sources said: "This is a matter we have tried to settle discreetly with the Russians and it is because they have not replied or in fact admitted that a problem existed that we have been obliged to take this action."

LARGE DELEGATION

The Soviet diplomatic empire in London, including its trade, banking and other economic branches, is larger than anywhere else outside Moscow, including the United States.

Reports of the defector broke into the open today in London newspapers and the Foreign Office earlier declined comment only to say it was "a security matter."

The reports coincided with recent developments in which Sir Alex has complained to the Soviet Embassy about the conduct of its staff here in "unacceptable activities."

A week ago, British special branch detectives were reported hunting down a spy ring believed to be operating at secret military and naval bases in southern England.

Space scientist Anately Fedeseyev defected from the Soviet delegation to the Paris Air Show in June and came to Britain.

Fedeseyev, 61, was identified as an electronics expert whose work had application in the Soviet space effort. Unofficial reports billed him as deputy director of the Soviet space program, but this was denied by the British.

PRIESTS HELP AT ATTICA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1971

Mr. DULSKI. Mr. Speaker, the tragic sequence of events which occurred recently at the Attica, N.Y., correctional facility is a source of wide concern—and rightly so.

Investigations of all factors in the incident are underway at several levels of government, as well as by independent sources. It will be some time before these reports are complete—the sooner the better, but we cannot afford to sacrifice quality of study and recommendations for speed.

There has been wide criticism of prison conditions, and many particular items have been conceded by the responsible officials. In hindsight—so much more clear than foresight—many changes are long overdue and will be forthcoming.

Those who are paying the penalty of wrongdoings against society should not be caged like animals, but neither can they expect to be held under sentence in a country club atmosphere. Some of these individuals are hard-core criminals who have long police records and have been convicted of the worst crimes that can be imagined.

Besides our rightful concern for the inmates, we also must have concern for the people who are employed at penal institutions, particularly the guards such as those who became hostages at Attica. These individuals, doing their jobs, are required to take risks which in some ways are greater than those doing police duty on our city streets, and so forth.

Among the forgotten men in the stories about the Attica crisis are the men of cloth who have been working with the inmates on a continuing basis over the years.

I am particularly pleased to read the story in the Buffalo Roman Catholic Diocese publication, the Magnificat, about Rev. Eugene V. Marcinkiewicz. I have known Father Gene for over 25 years and I have come to know of the great work which he has been doing.

As part of my remarks I include the article from the September 16 edition of the Magnificat:

PRIESTS HELP IN ATTICA TRAGEDY

(By Nancy De Tine)

"It was kind of an ordeal," he reflected—but it was the "prayerful atmosphere" of the town during the five troubled days of the insurrection in Attica Correctional Facility which seemed more prominent in the mind of Rev. Alton LaRusch pastor of St. Vincent de Paul Church in that village.

Father LaRusch spoke to Magnificat reporters early Tuesday, the day after control of the facility was regained by officials.

With true priestly humility, Father LaRusch praised the inexhaustible devotion and service of Rev. Eugene V. Marcinkiewicz better known as Father Gene, chaplain at the Attica institution since the beginning of the disturbance last Thursday. He lives just outside the prison and also is a weekend assistant at St. Vincent's.

During the disturbance however, Father LaRusch emphasized it was he who was the assistant.

"Father Gene has welcomed my assistance, which I was glad to give," he said. "We did all we could—we stayed right there and were able to take care of the men.

"Father Gene has been on constant duty since Thursday morning. I assisted him Monday in absolutions and anointings."

ON CONSTANT DUTY

Still on duty at the prison on Tuesday, Father Gene could not be contacted by Magnificat reporters.

"Father Gene is probably in the prison hospital giving what consolation he can," Father LaRusch explained when repeated phone calls to the chaplain brought no response.

"And there are probably other needs he is taking care of also."

Besides the help he provided at the institution, Father LaRusch has been busy with special religious services for the intentions of the persons involved in the disturbance and their families.

"Clergy of all denomination have cooperated to give all the help and consolation they can," he said.

A ministerial group in Attica met Saturday morning to plan a spiritual program for the next day.

At St. Vincent's, Father LaRusch arranged a special rosary service and Mass for 7:15 p.m. Sunday which was later canceled because of a curfew imposed on the town.

The regular 5:15 p.m. Sunday Mass was offered for the intention of the Attica institution, the men and their families, and the Blessed Sacrament was exposed from noon until 5 p.m. Sunday.

Rosary services and Masses also were scheduled for Monday and Tuesday afternoons.

FOUR DEAD WERE IN PARISH

Four of the men who were killed in the insurrection were members of St. Vincent's parish. They were: William Quinn, who died Saturday as a result of injuries suffered Thursday; Elmer Hardie, Edward Cunningham and John G. Monteleone, all hostages.

"There has been a very prayerful atmosphere in the town," Father LaRusch reported. Besides good attendance at the special Masses, "many people were seen saying their rosaries during the day.

"Over these days especially when the problem began to become more acute people were in and out of the Church," he said.

"I was up at the prison practically every day," Father LaRusch added, repeating that Father Gene never left the institution.

"When the list of hostages was given out, I did contact their families and visited some of them. Yesterday I visited the wives of the men who died and tried to give all the consolation I was able to give them."

The pastor had special praise for members of various Attica organizations, including the Lions Club, the Salvation Army and his parish Altar and Rosary Society.

"All the organizations turned out to give all the help they could"—mainly providing coffee and sandwiches for the persons keeping the long vigil just outside the prison gate.

"The village was trying to work together," he said. "It was united. Members of all denominations joined in prayer. Clergy of all denominations have cooperated to give all the help and consolation they can."

HOUSE OF REPRESENTATIVES—*Monday, September 27, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Yea, though I walk through the valley of the shadow of death, I will fear no evil: For Thou art with me.—Psalms 23: 4.

Our Heavenly Father, who art waiting to receive and to answer each sincere prayer, we come to Thee in our sorrow praying for light in our darkness, strength for our weakness and deliverance from our doubts and fears.

We commit to Thy loving care our beloved JOHN C. WATTS. We thank Thee for him who so faithfully and so truly lived—for his integrity of mind, his sincerity of heart, his kindly thoughts, and generous deeds, his courage to stand firm for what he believed, his untiring devotion to his country, his State, and his district, his love of home and church and for the great ideals which motivated his quiet spirit.

Sustain his family in their bereavement and comfort us in our sorrow by a confident faith in Thy living and loving presence. Teach us to live as those who are prepared to die and eventually to die as those who are prepared to live, that nothing may separate us from Thy love which is in Christ Jesus our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment joint and concurrent resolutions of the House of the following titles:

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution

H. Con. Res. 319. Concurrent resolution to provide for the printing of 2,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969";

H. Con. Res. 320. Concurrent resolution to provide for the printing of 600 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970";

H. Con. Res. 337. Concurrent resolution to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969"; and

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; and

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution providing for a deletion in the enrollment of H.R. 4713.

PERMISSION FOR ALL MEMBERS TO EXTEND THEIR REMARKS IN THE EXTENSIONS OF REMARKS SECTION OF THE RECORD TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, without establishing a precedent, all Members may be permitted to extend their remarks in the Extensions of Remarks section of the RECORD today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to announce that the District bills scheduled for today will be scheduled at a later date to be announced. Also, Mr. Speaker, the suspensions scheduled for today will be rescheduled for Monday next, which is a suspension day.

REQUESTING SECRETARY OF STATE TO FURNISH COMMUNICATIONS PERTAINING TO VIETNAMESE PRESIDENTIAL ELECTION

Mr. MORGAN reported the following privileged resolution (H. Res. 595) which was referred to the House Calendar and ordered to be printed:

H. RES. 595

Resolved, That the Secretary of State be directed to furnish the House of Representatives within one week after the adoption of this resolution with the complete text of all communications pertaining to the forthcoming Vietnamese presidential election between the Department of State and the United States Embassy in Saigon and between the United States Embassy in Saigon and Messrs. Thieu, Ky, and Minh since January 1, 1971.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for extensions of remarks and unanimous-consent requests that do not involve speeches.

THE WILLIAMS FAMILY—A GREAT AMERICAN LEGEND

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, one of America's truly great family legends has to do with the Williams and their kin in west Florida. They are the best known family group in Florida's first and finest district—not only for numbers but for their contributions to leadership and progress. Their activities are not limited to west Florida. They have a good name throughout the State, and in fact, throughout much of the Nation.

It all started many, many years ago. In the year 1806 three brothers, John,