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PART I

HIGHLIGHTS OF THIS ISSUE

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

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

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H.R. 6334..... Public Law 93-176
To provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System
(Dec. 5, 1973; 87 Stat. 693)

H.R. 9474..... Public Law 93-177
To amend title 38, of the United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation, and for other purposes
(Dec. 6, 1973; 87 Stat. 694)

H.R. 9575..... Public Law 93-174
To provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes
(Dec. 5, 1973; 87 Stat. 692)

H.R. 10840..... Public Law 93-175
To amend the Act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress
(Dec. 5, 1973; 87 Stat. 693)

H.R. 11104..... Public Law 93-173
To provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974
(Dec. 3, 1973; 87 Stat. 691)

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11749

Consolidating Disaster Relief Functions Assigned to the Secretary of Housing and Urban Development

By virtue of the authority vested in me by Reorganization Plan No. 1 of 1973, the Disaster Relief Act of 1970, as amended (42 U.S.C. 4401, *et seq.*), and section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) The Secretary of Housing and Urban Development is designated and empowered to exercise without the approval, ratification, or other action of the President, all of the authority vested in the President by the Disaster Relief Act of 1970, as amended, hereinafter referred to as the "Act", except (1) the authorities vested in the President by section 102(1) of the Act to declare a major disaster, by section 251 of the Act to provide for the restoration of Federal facilities, and by section 253 of the Act to prescribe time limits for granting priorities for certain public facilities and certain public housing assistance which are hereby reserved to the President; (2) the authority vested in the President by section 210 of the Act concerning the utilization and availability of the civil defense communications system for the purpose of disaster warnings which the Secretary of Defense is empowered to exercise by this order; and (3) the authority vested in the President by section 238 of the Act concerning food coupons and surplus commodities, which the Secretary of Agriculture is empowered to exercise by this order.

(b) The Secretary of Housing and Urban Development is hereby empowered to exercise without the approval, ratification, or other action of the President, all of the authority conferred upon the President by section 4 of the act entitled "An Act to authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide for a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation, and for other purposes."

(c) The Secretary of Housing and Urban Development may delegate or assign to the head of any agency of the executive branch of the Government, subject to the consent of the agency head concerned in each case, any authority or function delegated or assigned to the Secretary by the provisions of this section. Any such head of the agency may redelegate any authority or function so delegated or assigned to him by the Secretary to any officer or employee subordinate to such head of the

agency whose appointment is required to be made by and with the advice and consent of the Senate.

SEC. 2. The Secretary of Housing and Urban Development is designated and empowered to exercise, without the approval, ratification, or other action of the President:

(1) All authority which was vested in the Office of Emergency Preparedness, or the Director thereof, by the Disaster Relief Act of 1970, as amended, and which was transferred to the President by Reorganization Plan No. 1 of 1973.

(2) All authority which was vested in the Director of the Office of Emergency Preparedness with respect to determining whether a major disaster has occurred within the meaning of (A) section 16 of the Act of September 23, 1950, as amended (20 U.S.C. 646), (B) section 7 of the Act of September 30, 1950, as amended (20 U.S.C. 241–1), and (C) section 762(a) of the Higher Education Act of 1965 as added by section 161(a) of the Education Amendments of 1972, Public Law 92–318, 86 Stat. 288 at 299 (relating to the furnishing by the Commissioner of Education of disaster relief assistance for educational purposes), and which was transferred to the President by Reorganization Plan No. 1 of 1973.

SEC. 3. (a) There is hereby established the National Council on Federal Disaster Assistance (hereinafter referred to as the "Council") which shall be composed of the Secretary of Housing and Urban Development, who shall be the Chairman of the Council, and policy level representatives of the Departments of Defense; the Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; and Transportation; and of the Small Business Administration and the Office of Economic Opportunity, and such other members as the President may from time to time designate. This Council supersedes the National Council on Federal Disaster Assistance established by Executive Order No. 11526. Representatives of the other Federal departments or agencies, officials of State and local governments, and private citizens may be invited by the Chairman to participate in the deliberations of the Council.

(b) The Council shall advise and assist the Secretary of Housing and Urban Development in: (1) Insuring that the Federal agencies furnish necessary assistance following a large-scale disaster on a priority basis to the Federal Coordinating Officer appointed by the President to operate under the Secretary of Housing and Urban Development, pursuant to section 201 of the Disaster Relief Act of 1970; (2) developing policies and programs to provide a strong and integrated total Federal disaster assistance effort; (3) stimulating cooperation and the sharing of data, views, and information concerning disaster assistance among Federal agencies, State and local governments, and private organizations having disaster assistance responsibilities and interests; (4) facilitating cooperation among Federal, State, and local governments with special concern for the maintenance of local initiative and decisionmaking with respect to emergency restoration and rebuilding programs; (5) promoting the participation of Federal agencies in providing Federal assistance for

rebuilding efforts; (6) encouraging research on means of preventing disasters and ameliorating the effects of those that occur; (7) reviewing, from time to time, the effectiveness of the Federal disaster assistance programs and suggesting needed changes.

(c) Consistent with law, the Department of Housing and Urban Development shall provide staff and other assistance to the Council, and executive departments and agencies shall furnish to the Council such available information as the Council may require in performance of its functions.

(d) Nothing in this order shall be construed as subjecting any Federal agency or officer, or any function vested by law in, or assigned, pursuant to law to, any Federal agency or officer to the authority of the Council or of any other agency or officer or as abrogating any such function in any manner.

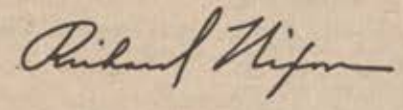
SEC. 4. The Secretary of Housing and Urban Development is designated and empowered to exercise, without the approval, ratification, or other action of the President all other incidental authority relating to matters described in sections 1 through 3 of this Executive order that has been vested in the Office of Emergency Preparedness or the Director thereof by the President by letter, memorandum, or other form of directive, or otherwise.

SEC. 5. (a) The Secretary of Defense is designated and empowered to exercise, without the approval, ratification, or other action of the President, all of the authority vested in the President by section 210 of the Act concerning the utilization and availability of the civil defense communications system for the purpose of disaster warnings.

(b) The Secretary of Agriculture is designated and empowered to exercise, without the approval, ratification, or other action of the President, all of the authority vested in the President by section 238 of the act concerning food coupons and surplus commodities.

SEC. 6. (a) Executive Order Nos. 11526, 11575, 11662, and 11678, and section 1 of Executive Order No. 11725 are hereby superseded.

(b) This order shall be effective thirty days after the date of its issuance.



THE WHITE HOUSE,
December 10, 1973.

[FR Doc.73-26412 Filed 12-10-73;2:11 pm]

Rules and Regulations

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 202—DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

PART 203—SPECIAL DEPOSITARIES OF PUBLIC MONEY

Depositary Contract Provisions; Correction

On November 13, 1973, in the FEDERAL REGISTER at page 31295, FR Doc. 73-24133, the Department of the Treasury published the adoption of amendments of its depositary contract provisions in 31 CFR Parts 202 and 203 to implement Pub. L. 92-540; Executive Order 11701 and Labor Department regulations at 38 FR 2968 concerning employment of qualified disabled veterans and Vietnam era veterans. (31 CFR 214.5 was also amended but is not affected by this notice.) The amended texts of 31 CFR 202.4 and 31 CFR 203.4 contained references to the regulations of the Labor Department. That Department and the General Services Administration have now advised the Treasury Department that those references should be deleted and references to more current and complete General Services Administration regulations substituted. The latter regulations appeared in the April 17, 1973 FEDERAL REGISTER at 38 FR 9508 and 9509, as the revised 41 CFR Subpart 1-12.11.

Accordingly, 31 CFR 202.4 and 31 CFR 203.4 are hereby amended, effective January 1, 1974 to read:

§ 202.4 Contract of deposit.

A depositary which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the General Services Administration regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Subpart 1-12.11, except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the General Services Administration regulations.

§ 203.4 Contract of deposit.

A special depositary which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the General Services Administration regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Subpart 1-12.11 except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the General Services Administration regulations.

Dated: December 7, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-26306 Filed 12-11-73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

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

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended (1) by transferring the authority to designate the Chairman of the Commodity Exchange Commission, from the Director of Agricultural Economics to the Assistant Secretary for Marketing and Consumer Services, and (2) by designating the Administrator, Agricultural Marketing Service as Chairman of the Commodity Exchange Commission. This delegation supersedes the notice in the September 25, 1973 FEDERAL REGISTER, 38 FR 26744. Also, a minor revision is included for clarification of a previously issued delegation.

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Directors

Sections 2.17, 2.18, 2.27, 2.50, and 2.86 are amended to read as follows:

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

* * * * *

(f) Related to the Commodity Exchange Commission.

(1) Designate the Chairman of the Commodity Exchange Commission.

§ 2.18 Reservations of authority.

* * * * *

(c) (Reserved)

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

* * * * *

(d) [Deleted]

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

§ 2.50 Administrator, Agricultural Marketing Service.

(a) * * *

(5) Designated Chairman of the Commodity Exchange Commission

Subpart K—Delegations of Authority by the Director of Agricultural Economics

§ 2.86 Administrator, Economic Research Service.

(a) * * *

(10) [Deleted]

For Subpart C Date: December 7, 1973.

EARL L. BUTZ,
Secretary of Agriculture.

For Subpart F Date: December 7, 1973.

CLAYTON K. YEUTTER,
Assistant Secretary for Marketing, and Consumer Services.

For Subpart K Date: December 7, 1973.

DON PAARLBERG,
Director, Agricultural Economics.

[FR Doc.73-26282 Filed 12-11-73;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.11 Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1973 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended; 7 U.S.C. 1115), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.11 (38 FR 23317) which established allotments for the Mainland Cane Sugar Area for the calendar year 1973.

This amendment is necessary to give effect to the 52,000 ton increase in the Mainland Cane Sugar Area Quota which was made available by Sugar Regulation 811, Amendments 8, 9, and 10.

In accordance with paragraphs (4) and (8) of the findings and conclusions set forth in S.R. 814.11 (38 FR 23317), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The quantities of sugar and the percentages referred to in finding (4) and the computation of processor allotments reflecting the quota for the area of 1,643,000 short tons, raw value, is set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotments [5]	
					Effective inventory 1-1-73 [3]	New crop quota marketings		Measures used			
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1970-1972	"Shares" of difference [4]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value
					Short tons, raw value						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Albania Sugar Co.	9,829	0.607	10,535	0.756	1,179	7,207	11,885	13,064	0.796	0.675	11,084
Alma Plantation, Ltd.	11,824	.730	12,862	.923	127	8,455	13,943	14,070	.857	.704	13,038
J. Aron & Co., Inc.	17,896	1.104	18,842	1.353	0	12,601	20,780	20,780	1.265	1.186	19,475
Billeaud Sugar Factory	13,325	.822	13,713	.985	1,968	9,306	15,346	17,314	1.054	.901	14,705
Breaux Bridge Sugar Co-op.	12,900	.796	12,696	.912	4,243	5,482	9,040	13,283	.809	.822	13,498
Wm. T. Burton Industries, Inc.	11,231	.693	8,898	.639	2,886	5,984	9,868	12,754	.777	.699	11,478
Cairo & Graugnard	7,247	.447	7,847	.563	1,592	3,933	6,486	8,078	.492	.479	7,866
Cajun Sugar Co-op., Inc.	33,308	2.057	28,501	2.046	19,718	7,428	12,249	31,967	1.947	2.033	33,384
Caldwell Sugar Co-op., Inc.	18,252	1.126	19,427	1.395	6,332	8,816	14,538	20,870	1.271	1.209	19,853
Columbia Sugar Co.	8,868	.547	9,324	.669	1,457	5,803	9,569	11,026	.671	.596	9,787
Cora-Texas Manufacturing Co., Inc.	13,170	.813	11,318	.813	7,971	2,867	4,728	12,699	.773	.805	13,219
Dugas & LeBlanc, Ltd.	21,204	1.309	22,430	1.610	3,456	11,233	18,524	21,980	1.339	1.375	22,579
Duhe & Bourgeois Sugar Co.	11,995	.740	12,962	.909	938	7,065	12,640	13,578	.827	.791	12,989
Evan Hall Sugar Co-op., Inc.	28,780	1.776	30,616	2.198	2,948	20,368	33,637	36,585	2.228	1.951	32,037
Frisco Cane Co., Inc.	1,768	.109	2,088	.150	128	1,632	2,691	2,819	.172	.130	2,135
Glenwood Co-op., Inc.	21,063	1.300	22,420	1.610	2,409	12,369	20,397	22,806	1.389	1.380	22,661
Helvetia Sugar Co-op., Inc.	15,131	.934	16,925	1.215	2,228	8,626	14,225	16,453	1.002	1.004	16,487
Iberia Sugar Co-op., Inc.	23,795	1.468	23,879	1.714	6,479	11,186	18,446	24,925	1.518	1.527	25,075
Lafourche Sugar Co.	27,594	1.703	29,816	2.141	4,518	15,574	25,682	30,200	1.839	1.818	29,853
Harry L. Laws & Co., Inc.	18,693	1.154	19,554	1.404	1,088	12,027	19,833	20,921	1.274	1.228	20,165
Levert-St. John, Inc.	12,797	.790	13,688	.983	1,387	10,582	17,450	18,837	1.147	.900	14,779
Louisa Sugar Co-op., Inc.	13,329	.823	12,519	.899	1,725	8,909	14,691	16,416	1.000	.873	14,336
Meeker Sugar Co-op., Inc.	16,454	1.015	12,936	.929	9,334	3,971	6,548	15,882	.967	.988	16,224
M. A. Patout & Son, Ltd.	25,153	1.552	22,576	1.621	3,153	15,897	26,215	29,368	1.788	1.613	26,487
Savoie Industries	21,357	1.318	20,152	1.447	5,405	10,541	17,383	22,788	1.388	1.356	22,300
St. James Sugar Co-op., Inc.	25,703	1.586	27,280	1.959	13,919	6,634	10,940	24,859	1.514	1.646	27,029
St. Mary Sugar Co-op., Inc.	16,848	1.040	18,228	1.309	4,315	10,034	16,546	20,861	1.270	1.140	18,720
Smithfield Sugar Co-op., Inc.	23,056	1.423	24,466	1.757	1,633	14,209	23,431	25,064	1.526	1.510	24,796
South Coast Corp.	67,448	4.163	75,343	5.409	33,264	19,186	31,638	64,902	3.952	4.370	71,760
Southdown Sugars, Inc.	43,217	2.667	49,932	3.585	7,124	23,873	39,368	46,492	2.831	2.883	47,342
Sterling Sugars, Inc.	32,999	2.036	34,504	2.477	5,198	19,591	32,306	37,504	2.284	2.174	35,699
J. Supple's Sons Planting Co.	5,960	.368	6,498	.467	803	3,575	5,895	6,698	.408	.396	6,503
Valentine Sugars, Inc.	14,081	.869	16,858	1.210	373	8,524	14,056	14,429	.879	.939	15,419
Vida Sugars, Inc.	4,864	.300	5,315	.382	627	4,615	7,610	8,237	.502	.357	5,862
A. Wilbert's Sons Lumber & Shingle Co.	11,678	.721	12,124	.870	0	8,070	13,308	13,308	.810	.769	12,628
Louisiana subtotal	662,817	40.906	686,772	49.309	159,925	346,803	571,892	731,817	44.566	43.319	711,342
Atlantic Sugar Association, Inc.	66,477	4.103	39,031	2.803	50,105	9,109	15,021	65,126	3.966	3.816	62,662
Glades Co. Sugar Growers Co-op. Association	69,228	4.273	51,756	3.716	50,784	8,513	14,039	64,823	3.948	4.067	67,277
Gulf & Western Food Products Co.	130,759	8.070	91,006	6.534	97,835	16,751	27,623	125,458	7.640	7.677	126,064
Osceola Farms Co.	86,273	5.324	62,146	4.462	63,441	11,240	18,535	81,976	4.992	5.085	83,501
Sugarcane Growers Co-op. of Florida	179,732	11.092	128,887	9.254	133,543	22,703	37,438	170,981	10.412	10.588	173,866
Talisman Sugar Corp.	93,007	5.863	75,269	5.404	64,874	14,571	24,028	88,902	5.414	5.681	93,288
U.S. Sugar Corp.	330,041	20.369	257,917	18.518	231,487	49,442	81,532	313,019	19.062	19.737	324,102
Florida subtotal	957,517	59.094	706,012	50.691	692,069	132,329	218,216	910,285	55.434	56.681	930,760
Total all mainland cane	1,620,334	100.000	1,392,784	100.000	851,994	479,132	790,108	1,642,102	100.000	100.000	1,642,102

[1] The higher of either the production of sugar from the 1972 crop or 101 percent of the average production for the 1970 and 1971 crops of sugarcane.

[2] Average annual quota marketings for each processor for years 1970 through 1972.

[3] Effective inventory, Jan. 1, 1973, is the physical inventory Jan. 1, 1973, plus processings from 1972 crop cane in 1973.

[4] The difference between 1,643,000 tons (quota for 1973 established by S.R. 811 Amdt. 10 less 10 tons reserved for Louisiana State University, less reserves for processors who release excess 1972 allotments amounting to 127 tons for Alma, 68 tons for Louisa, and 124 tons for Milliken and Farwell, now Smithfield Sugar Cooperative, Inc., and less 569 tons for the Louisiana State Penitentiary which is a quantity equal to their Jan. 1, 1973, effective inventory) and Jan. 1, 1973, effective inventories of listed processors amounting to 851,994 tons. This difference of 790,108 tons prorated on the basis of each processor's average 1970-72 new-crop marketings.

[5] Column (10) was determined by weighing "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less total reserves of 898 tons, by Column (10).

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.11 of this chapter, paragraph (a) of such § 814.11 is amended to read as follows:

§ 814.11 Allotment of the 1973 sugar quota for the Mainland Cane Sugar Area.

(a) The 1973 sugar quota for the Mainland Cane Sugar Area of 1,643,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

	Allotments (Short tons, raw value)
Albania Sugar Co	11,084
Alma Plantation, Ltd	13,165
J. Aron & Co., Inc	19,473
Billeaud Sugar Factory	14,795
Breaux Bridge Sugar Co-op	13,498
Wm. T. Burton Industries, Inc	11,478
Caire & Graugnard	7,866
Cajun Sugar Co-op., Inc	33,384
Caldwell Sugars Co-op., Inc	19,853
Columbia Sugar Co	9,787
Cora-Texas Manufacturing Co., Inc	13,219
Dugas & LeBlanc, Ltd	22,579
Duhe & Bourgeois Sugar Co	12,989
Evan Hall Sugar Co-op., Inc	32,037
Frisco Cane Co., Inc	2,135
Glenwood Co-op., Inc	22,661
Helvetia Sugar Co-op., Inc	16,487
Iberia Sugar Co-op., Inc	25,075
LaFourche Sugar Co	29,853
Harry L. Laws & Co., Inc	20,165
Levert-St. John, Inc	14,779
Louisa Sugar Co-op., Inc	14,404
Louisiana State Penitentiary	569
Louisiana State University	10
Meeker Sugar Co-op., Inc	16,224
M. A. Patout & Son, Ltd	26,487
Savoie Industries	22,300
St. James Sugar Co-op., Inc	27,029
St. Mary Sugar Co-op., Inc	18,720
Smithfield Sugar Co-op., Inc	24,920
South Coast Corp., Inc	71,760
Southdown Sugars, Inc	47,342
Sterling Sugars, Inc	35,699
J. Supple's Sons Planting Co., Ltd	6,503
Valentine Sugars, Inc	15,419
Vida Sugars, Inc	5,862
A. Wilbert's Sons Lumber & Shingle Co	12,628
Louisiana subtotal	712,240
Atlantic Sugar Association, Inc	62,662
Glades Co. Sugar Growers Co-op., Association	67,277
Gulf & Western Food Products Co	126,064
Osceola Farms Co	83,501
Sugarcane Growers Cooperative of Florida	173,866
Talisman Sugar Corp	93,288
U.S. Sugar Corp	324,102
Florida subtotal	930,760
Total all mainland cane	1,643,000

* * * * *

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for almost all processors are larger than the allotments currently in effect. To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and consequently, this amendment shall be effective December 11, 1973.

Signed at Washington, D.C., on December 5, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-26208 Filed 12-11-73;8:45 am]

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

PART 981—ALMONDS GROWN IN CALIFORNIA

Increase in the Expenses Approved for Control Board for 1973–74 Crop Year

Notice of a proposed increase in the expenses of the Almond Control Board, previously approved (38 FR 25668) for the 1973–74 crop year, was published in the November 20, 1973, issue of the FEDERAL REGISTER (38 FR 31977). This action is pursuant to § 981.80 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was based on a unanimous recommendation of the Almond Control Board.

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

On September 14, 1973, an action was published in the FEDERAL REGISTER (38 FR 25668) approving expenses of the Almond Control Board, and rate of assessment, for the 1973–74 crop year. The approved expenses in the amount of $1,945,481 are set forth in § 981.323(a) of Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.300, 981,323; 38 FR 25668, 27381). It now appears likely that the expenses of the Control Board will exceed those previously approved. This action increases these expenses by $18,000 to $1,963,481. The assessment rate for the 1973–74 crop year is not being changed because sufficient funds are available to meet the increased expenses.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Control Board, and other available information, it is found that the expenses of the Control Board for the crop year beginning July 1, 1973, shall be increased as proposed in said notice and set forth in § 981.323(a) of Subpart—Budget of Expenses and Rate of Assessment.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the Control Board; and (2) the current crop year began July 1, 1973, and postponement of this action would serve no useful purpose.

Paragraph (a) of § 981.323 is amended to read as follows:

§ 981.323 Expenses of the Control Board and rate of assessment for the 1973–74 crop year.

(a) *Expenses.* Expenses in the amount of $1,963,481 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1973, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

* * * * *

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

Dated: December 7, 1973.

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

[FR Doc.73-26317 Filed 12-11-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

[File No. CO 845-P]

PART 100—STATEMENT OF ORGANIZATION

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, § 100.4 of Part 100 of Chapter I of Title 8 of the Code of Federal Regulations is hereby republished.

The purpose of this republication of § 100.4 is to combine the numerous amendments which have been made to the section since it was published July 4, 1967 (32 FR 9616). The republication is editorial in nature and is done as a matter of reader convenience in conjunction with the next revised edition of Title 8 of the Code of Federal Regulations. No changes are made in § 100.4 at this time.

Section 100.4 combining the numerous amendments made thereto since July 4, 1967, reads as follows:

§ 100.4 Field Service.

The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, suboffices, and Border Patrol sectors as follows:

(a) *Regional offices.* The Northeast Regional Office, located in Burlington, Vermont, has jurisdiction over districts

1, 2, 3, 7, 21, 22, and 23 and Border Patrol sectors 1, 2, 3, and 4. The Southeast Regional Office located in Richmond, Virginia, has jurisdiction over districts 4, 5, 6, 24, 25, 26, 27, and 28 and Border Patrol sectors 20 and 21. The Northwest Regional Office, located in St. Paul, Minnesota, has jurisdiction over districts 8, 9, 10, 11, 12, 29, 30, 31, and 32 and Border Patrol sectors 5, 6, 7, 8, and 9. The Southwest Regional Office, located in San Padre, California, has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, 35, and 38 and Border Patrol sectors 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.

(b) *District offices.* The following districts which are designated by numbers, have fixed headquarters and are divided as follows:

1. *St. Albans, Vermont.* The district office in St. Albans, Vermont, has jurisdiction over the State of Vermont; also, over the United States immigration office located in the Province of Quebec, Canada.

2. *Boston, Massachusetts.* The district office in Boston, Massachusetts, has jurisdiction over the States of New Hampshire, Massachusetts, and Rhode Island.

3. *New York City, New York.* The district office in New York City, New York, has jurisdiction over the following counties in the State of New York: Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester; also, over the United States immigration office located in Hamilton, Bermuda.

4. *Philadelphia, Pennsylvania.* The district office in Philadelphia, Pennsylvania, has jurisdiction over the States of Pennsylvania, Delaware, and West Virginia.

5. *Baltimore, Maryland.* The district office in Baltimore, Maryland, has jurisdiction over the State of Maryland.

6. *Miami, Florida.* The district office in Miami, Florida, has jurisdiction over the State of Florida, Cuba, the Caribbean Islands, except the Dominican Republic, and South America; also, over the United States immigration office located in Nassau, Bahamas.

7. *Buffalo, New York.* The district office in Buffalo, New York, has jurisdiction over the State of New York except that part within the jurisdiction of District No. 3; also, over the United States immigration office at Toronto, Ontario, Canada.

8. *Detroit, Michigan.* The district office in Detroit, Michigan, has jurisdiction over the State of Michigan.

9. *Chicago, Illinois.* The district office in Chicago, Illinois, has jurisdiction over the States of Illinois, Indiana, and Wisconsin.

10. *St. Paul, Minnesota.* The district office in St. Paul, Minnesota, has jurisdiction over the States of Minnesota, North Dakota, and South Dakota; also, over the United States immigration office in the Province of Manitoba, Canada.

11. *Kansas City, Missouri.* The district office in Kansas City, Missouri, has jurisdiction over the States of Kansas and Missouri.

12. *Seattle, Washington.* The district office in Seattle, Washington, has jurisdiction over the State of Washington; also, over the United States immigration offices located in the Province of British Columbia, Canada.

13. *San Francisco, California.* The district office in San Francisco, California, has jurisdiction over the State of Nevada and over the following counties in the State of California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

14. *San Antonio, Texas.* The district office in San Antonio, Texas, has jurisdiction over the following counties in the State of Texas: Aransas, Atascosa, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmit, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Irion, Jackson, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Milam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Starr, Sterling, Sutton, Taylor, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb Willacy, Williamson, Wilson, Zapata, Zavala.

15. *El Paso, Texas.* The district office in El Paso, Texas, has jurisdiction over the State of New Mexico, and the following counties in Texas: Brewster, Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler.

16. *Los Angeles, California.* The district office in Los Angeles, California, has jurisdiction over the following counties in the State of California: Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

17. *Honolulu, Hawaii.* The district office in Honolulu, Hawaii, has jurisdiction over the State of Hawaii and Guam, Mariana Islands.

18. *Phoenix, Arizona.* The district office in Phoenix, Arizona, has jurisdiction over the State of Arizona.

19. *Denver, Colorado.* The district office in Denver, Colorado, has jurisdiction over the States of Colorado, Utah, and Wyoming.

21. *Newark, New Jersey.* The district office in Newark, New Jersey, has jurisdiction over the State of New Jersey.

22. *Portland, Maine.* The district office in Portland, Maine, has jurisdiction over the State of Maine.

23. *Hartford, Connecticut.* The district office in Hartford, Connecticut, has jurisdiction over the State of Connecticut.

24. *Cleveland, Ohio.* The district office in Cleveland, Ohio, has jurisdiction over the States of Ohio and Kentucky.

25. *Washington, D.C.* The district office in Washington, D.C., has jurisdiction over the District of Columbia, and the States of Virginia and North Carolina.

26. *Atlanta, Georgia.* The district office in Atlanta, Ga., has jurisdiction over the States of Georgia, South Carolina, Alabama, Tennessee, Arkansas, and the following counties in the State of Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Granada, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha.

27. *San Juan, Puerto Rico.* The district office in San Juan, Puerto Rico, has jurisdiction over the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the Dominican Republic.

28. *New Orleans, Louisiana.* The district office in New Orleans, La., has jurisdiction over the State of Louisiana and the following counties in the State of Mississippi: Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Holmes, Issaquena, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Madison, Marion, Neshoba, Newton, Noxubee, Pearl River, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, and Yazoo.

29. *Omaha, Nebraska.* The district office in Omaha, Nebraska, has jurisdiction over the States of Iowa and Nebraska.

30. *Helena, Montana.* The district office in Helena, Montana, has jurisdiction over the States of Montana and Idaho.

31. *Portland, Oregon.* The district office in Portland, Oregon, has jurisdiction over the State of Oregon.

32. *Anchorage, Alaska.* The district office in Anchorage, Alaska, has jurisdiction over the State of Alaska.

33. *Hong Kong, B.C.C.* The district office in Hong Kong has jurisdiction over the British Crown Colony, and adjacent islands, Formosa, the Philippines, Australia, New Zealand, all of continental Asia lying to the east of the western borders of Afghanistan and Pakistan, Japan, Korea, Okinawa and all other countries in the Pacific area.

34. *Frankfurt, Germany.* The district office in Frankfurt, Germany, has jurisdiction over France, Germany, Benelux, Austria, Hungary, Poland, Bulgaria, Yugoslavia, Rumania, Czechoslovakia, Ireland, Norway, Sweden, Finland, United Kingdom of Great Britain and Northern Ireland, Iceland, Switzerland, Albania, and Union of Soviet Socialist Republics.

35. *Mexico City, Mexico.* The district office in Mexico City has jurisdiction over Mexico and Central America.

37. *Rome, Italy.* The district office in Rome, Italy, has jurisdiction over Spain, Portugal (including insular possessions in the Atlantic), Italy, Malta, Greece, Turkey, Cyprus, Syria, Lebanon, Israel, Jordan, Iraq, Iran, Kuwait, Saudi Arabia, Yemen, Aden, and Africa.

38. *Houston, Texas.* The district office in Houston, Texas, has jurisdiction over the State of Oklahoma and the following counties in the State of Texas: Anderson, Andrews, Angelina, Archer, Armstrong, Austin, Bailey, Baylor, Borden, Bosque, Bowie, Brazoria, Briscoe, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Colorado, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Gaines, Galveston, Garza, Gray, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Jasper, Jefferson, Johnson, Kaufman, Kent, King, Knox, Lamar, Lamb, Leon, Liberty, Limestone, Lipscomb, Lubbock, Lynn, Madison, Marion, Martin, Matagorda, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Roberts, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Terry, Throckmorton, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Washington,

Wharton, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, and Young.

(c) *Suboffices.* The following offices, in addition to the facilities maintained at Class A ports of entry listed in subparagraph (2) of this paragraph, indicated by asterisk, are designated as suboffices:

(1) *Interior locations.*

Albany, N.Y.	Pittsburgh, Pa.
Albuquerque, N. Mex.	Reno, Nev.
Boise, Idaho	Sacramento, Calif.
Cincinnati, Ohio	Salt Lake City, Utah
Dallas, Tex.	St. Louis, Mo.
Fairbanks, Alaska	Spokane, Wash.
Fresno, Calif.	Syracuse, N.Y.
Memphis, Tenn.	Tucson, Ariz.

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this subparagraph, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. The designation of such a port of entry may be withdrawn whenever, in the judgment of the Commissioner, such action is warranted. The ports are listed according to location by districts and are designated either Class A, Class B, or Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry for aliens who at the time of applying for admission are lawfully in possession of valid resident aliens' border-crossing identification cards or valid nonresident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in Part 212 of this chapter. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101(a)(10) of the Act with respect to vessels.

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

*Alburg, Vt.	Morses Line, Vt.
*Alburg Springs, Vt.	*Newport, Vt.
*Beebe Plain, Vt.	*North Troy, Vt.
*Beecher Falls, Vt.	*Norton, Vt.
*Canaan, Vt.	*Richford, Vt.
*Derby Line, Vt.	St. Albans, Vt.
*East Richford, Vt.	*West Berkshire, Vt.
*Highgate Springs, Vt.	

DISTRICT NO. 2—BOSTON, MASS.

CLASS A

Boston, Mass. (the port of Boston includes, among others, the port facilities at Beverly, Braintree, Chelsea, Everett, Hingham, Lynn, Manchester, Marblehead, Milton, Quincy, Revere, Salem, Saugus, and Weymouth, Mass.)
Gloucester, Mass.
Pittsburg, N.H.
*Providence, R.I. (the port of Providence includes, among others, the port facilities at Davisville, Melville, Newport, Portsmouth, Quonset Point, Tiverton, and Warwick, R.I.; and at Fall River, New Bedford, and Somerset, Mass.)

CLASS C

Newburyport, Mass.	Sandwich, Mass.
Plymouth, Mass.	Woods Hole, Mass.
Provincetown, Mass.	Portsmouth, N.H.

DISTRICT NO. 3—NEW YORK, N.Y.

CLASS A

New York, N.Y. (the port of New York includes, among others, the port facilities at Poughkeepsie and Yonkers, N.Y.)

DISTRICT NO. 4—PHILADELPHIA, PA.

CLASS A

Erie, Pa.
Philadelphia, Pa. (the port of Philadelphia includes, among others, the port facilities at Delaware City, Lewes, New Castle, and Wilmington, Del.; at Artificial Island, Billingsport, Camden, Deepwater Point, Fisher's Point, Gibbstown, Gloucester City, Paulsboro, and Trenton, N.J.; and at Chester, Essington, Fort Mifflin, Marcus Hook, and Morrisville, Pa.)

DISTRICT NO. 5—BALTIMORE, MD.

CLASS A

Baltimore, Md.

CLASS C

Piney Point, Md.	Salisbury, Md.

DISTRICT NO. 6—MIAMI, FLA.

CLASS A

Boca Grande, Fla.	Port Canaveral, Fla.
Fernandina, Fla.	*Port Everglades, Fla. (Ft. Lauderdale)
Fort Pierce, Fla.	St. Augustine, Fla.
*Jacksonville, Fla.	*Tampa, Fla.
*Key West, Fla.	*West Palm Beach, Fla.
Miami, Fla.	
Panama City, Fla.	
Pensacola, Fla.	

CLASS C

Port St. Joe, Fla.	St. Petersburg, Fla.

DISTRICT NO. 7—BUFFALO, N.Y.

CLASS A

Albany, N.Y.	*Mooers, N.Y.
Alexandria Bay, N.Y.	Morristown, N.Y.
Buffalo, N.Y.	*Niagara Falls, N.Y.
Cape Vincent, N.Y.	*Ogdensburg, N.Y.
*Champlain, N.Y.	Oswego, N.Y.
*Chateaugay, N.Y.	Rochester, N.Y.
Clayton, N.Y.	Rouses Point, N.Y.
*Fort Covington, N.Y.	*Thousand Islands Bridge, N.Y.
Lewiston, N.Y.	*Trout River, N.Y.
*Massena, N.Y.	Youngstown, N.Y.

CLASS B

Cannons Corners, N.Y.	Hogansburg, N.Y.
Churubusco, N.Y.	Jamison's Line, N.Y.
	Waddington, N.Y.

CLASS C

Sodus Point, N.Y.

DISTRICT NO. 8—DETROIT, MICH.

CLASS A

*Algonac, Mich.	*Roberts Landing, Mich.
Detroit, Mich.	*St. Clair, Mich.
Isle Royale, Mich.	*Sault Ste. Marie, Mich.
*Marine City, Mich.	
Marysville, Mich.	
*Port Huron, Mich.	

CLASS B

Alpena, Mich.	Mackinac Island, Mich.
Detour, Mich.	Rogers City, Mich.

CLASS C

Alpena, Mich.	Manistee, Mich.
Baraga, Mich.	Marquette, Mich.
Bay City, Mich.	Menominee, Mich.
Cheboygan, Mich.	Monroe, Mich.
Detour, Mich.	Munising, Mich.
Escanaba, Mich.	Muskegon, Mich.
Grand Haven, Mich.	Port Dolomite, Mich.
Holland, Mich.	Port Inland, Mich.
Houghton, Mich.	Rogers City (Calcite), Mich.
Ludington, Mich.	Saginaw, Mich.
Mackinac Island, Mich.	South Haven, Mich.

DISTRICT NO. 9—CHICAGO, ILL.

CLASS A

Chicago, Ill.	*Hammond, Ind.
*Green Bay, Wis.	*Milwaukee, Wis.

CLASS C

East Chicago, Ind.	Marinette, Wis.
Gary, Ind.	Port Washington, Wis.
Michigan City, Ind.	Racine, Wis.
Algoma, Wis.	Sheboygan, Wis.
Ashland, Wis.	Sturgeon Bay, Wis.
Kenosha, Wis.	Washburn, Wis.
Kewaunee, Wis.	
Manitowoc, Wis.	

DISTRICT NO. 10—ST. PAUL, MINN.

CLASS A

*Baudette, Minn.	*Ambrose, N. Dak.
*Duluth, Minn. (the port of Duluth includes, among others, the port facilities of Superior, Wis.)	*Antler, N. Dak.
	*Carbury, N. Dak.
	*Dunseith, N. Dak.
	*Fortuna, N. Dak.
	*Hannah, N. Dak.
	*Hansboro, N. Dak.
*Ely, Minn.	*Maida, N. Dak.
*Grand Portage, Minn.	*Neche, N. Dak.
	*Noonan, N. Dak.
*International Falls, Minn.	*Northgate, N. Dak.
	Pembina, N. Dak.
*Lancaster, Minn.	*Portal, N. Dak.
*Noyes, Minn.	*St. John, N. Dak.
*Pine Creek, Minn.	*Sarles, N. Dak.
Ranier, Minn.	*Sherwood, N. Dak.
*Roseau, Minn.	*Walhalla, N. Dak.
*Warroad, Minn.	*Westhope, N. Dak.

CLASS B

Crane Lake, Minn.	Oak Island, Minn.
Indus, Minn.	

CLASS C

Grand Marais, Minn.	Taconite Harbor, Minn.
Silver Bay, Minn.	Two Harbors, Minn.

DISTRICT NO. 12—SEATTLE, WASH.

CLASS A

*Aberdeen, Wash. (the port of Aberdeen includes, among others, the port facilities at South Bend and Raymond, Wash.)

*Anacortes, Wash.	*Boundary, Wash.
*Bellingham, Wash.	*Danville, Wash.
*Blaine, Wash.	Ferry, Wash.

Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.)

*Frontier, Wash.	*Oroville, Wash.
*Laurier, Wash.	*Point Roberts, Wash.
*Lynden, Wash.	*Port Angeles, Wash.
*Metaline Falls, Wash.	Port Townsend, Wash.
Neah Bay, Wash.	
Olympia, Wash.	

Seattle, Wash. (the port of Seattle includes, among others, the port facilities at Bangor, Blake Island, Bremerton, Eagle Harbor, Edmonds, Everett, Holmes Harbor, Houghton, Kennydale, Keyport, Kingston, Manchester, Mukilteo, Orchard Point, Point Wells, Port Gamble, Port Ludlow, Port Orchard, Poulsbo, Shuffleton, and Winslow, Wash.)

*Sumas, Wash.
*Tacoma, Wash. (the port of Tacoma includes, among others, the port facilities at Dupont, Wash.)

CLASS B

Nighthawk, Wash.

DISTRICT NO. 13—SAN FRANCISCO, CALIF.

CLASS A

San Francisco, Calif.

CLASS C

Eureka, Calif.

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

Amistad Dam, Tex.
*Brownsville, Tex.
*Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island, Ingleside, and Port Lavaca-Point Comfort, Tex.)
*Del Rio, Tex.
*Eagle Pass, Tex.
*Falcon Heights, Tex.
*Hidalgo, Tex.
*Laredo, Tex.
*Los Ebanos, Tex.
*Port Isabel, Tex.
*Progreso, Tex.
*Rio Grand City, Tex.
*Roma, Tex.

DISTRICT NO. 15—EL PASO, TEX.

CLASS A

*Columbus, N. Mex.
El Paso, Tex.
*Fabens, Tex.
*Presidio, Tex.

CLASS B

Antelope Wells, N. Mex.
Monument No. 67, near Cloverdale, N. Mex.
Boquillas, Tex.
Candelaria, Tex.
Castolon, Tex.
Chinati, Tex.
Fort Hancock, Tex.
Heath Crossing, Tex.
Lajitas, Tex.
Polvo, Tex.
Porvenir, Tex.
Ruidosa, Tex.
San Vicente, Tex.
Stillwell Crossing, Tex.

DISTRICT NO. 16—LOS ANGELES, CALIF.

CLASS A

*Andrade, Calif.
*Calexico, Calif.
*San Diego, Calif.
*San Diego Border Station, Calif.
*San Luis Obispo, Calif. (the port of San Luis Obispo includes, among others, the port facilities at Avila, Estero Bay, El Capitan, Elwood, Gaviota, Morro Bay, and Santa Barbara, Calif.)
Los Angeles, Calif. (the port of Los Angeles includes, among others, the port facilities at San Pedro, Long Beach, Port Hueneme, and Ventura, Calif.)
*Tecate, Calif.

DISTRICT NO. 17—HONOLULU, HAWAII

CLASS A

*Agana, Guam, M.I. (including the port facilities at Apra Harbor, Guam)
Honolulu, Hawaii

CLASS C

Hilo, Hawaii
Kahului, Hawaii
Nawiliwilli, Hawaii
Port Allen, Hawaii

DISTRICT NO. 18—PHOENIX, ARIZ.

CLASS A

*Douglas, Ariz.
*Lukeville, Ariz.
*Naco, Ariz.
*Nogales, Ariz.
*Sasabe, Ariz.
*San Luis, Ariz.

CLASS B

Lochiel, Ariz.

DISTRICT NO. 21—NEWARK, N.J.

CLASS A

Newark, N.J. (the port of Newark includes, among others, the port facilities at Bayonne, Carteret, Edgewater, Elizabeth, Hoboken, Jersey City, Linden, Perth Amboy, Port Newark, Sewaren, and Weehawken, N.J.)

DISTRICT NO. 22—PORTLAND, MAINE

CLASS A

*Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport, Jonesport, Northeast Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine)
*Bridgewater, Maine
*Calais, Maine (includes Ferry Point, Union and Milltown Bridges)
*Coburn Gore, Maine
*Eastport, Maine
*Fort Fairfield, Maine
*Fort Kent, Maine
*Hamlin, Maine
*Houlton, Maine
*Jackman, Maine
*Limestone, Maine
Lubec, Maine
*Madawaska, Maine
Portland, Maine
*St. Aurelie, Maine
*Van Buren, Maine
*Vanceboro, Maine

CLASS B

Daaquam, Maine
Easton, Maine
Estcourt, Maine
Forest City, Maine
Knoxford Line Road (Mars Hill), Maine
Monticello, Maine
Orient, Maine
Robbinston, Maine
St. Juste, Maine
St. Pamphile, Maine

CLASS C

Bath, Maine
Boothbay Harbor, Maine
Kittery, Maine
Rockland, Maine
Wiscasset, Maine

DISTRICT NO. 23—HARTFORD, CONN.

CLASS A

Hartford, Conn. (the port of Hartford includes, among others, the port facilities at Bridgeport, Groton, New Haven, and New London, Conn.)

DISTRICT NO. 24—CLEVELAND, OHIO

CLASS A

Cleveland, Ohio
*Sandusky, Ohio
*Toledo, Ohio

CLASS C

Ashtabula, Ohio
Conneaut, Ohio
Fairport, Ohio
Huron, Ohio
Lorain, Ohio
Marblehead, Ohio

DISTRICT NO. 25—WASHINGTON, D.C.

CLASS A

Washington, D.C. (includes the port facilities at Alexandria, Va.)
Moorehead City, N.C.
*Wilmington, N.C.
*Norfolk, Va. (includes the port facilities at Newport News and Fort Monroe, Va.)

CLASS C

Richmond, Va.
Yorktown, Va. (includes the port facilities at the U.S. Navy Mine Depot, Cheatham Annex, and at the U.S. Navy Mine School, Va.)

DISTRICT NO. 26—ATLANTA, GA.

CLASS A

*Mobile, Ala.
Brunswick, Ga.
*Savannah, Ga.
*Charleston, S.C.
Georgetown, S.C.

CLASS C

Beaufort, S.C. (the port of Beaufort includes Parris Island, Port Royal Island, and adjacent waters)

DISTRICT NO. 27—SAN JUAN, P.R.

CLASS A

Aguadilla, P.R.
Ensenada, P.R.
Fajardo, P.R.
Humacao, P.R.
Jobos, P.R.
Mayaguez, P.R.
*Ponce, P.R.
San Juan, P.R.
*Christiansted, St. Croix, V.I.
Frederiksted, St. Croix, V.I.
Coral Bay, St. John, V.I.
*Cruz Bay, St. John, V.I.
*Charlotte Amalie, St. Thomas, V.I.

DISTRICT NO. 28—NEW ORLEANS, LA.

CLASS A

Baton Rouge, La.
New Orleans, La. (the port of New Orleans includes, among others, the port facilities at Avondale, Bell Chasse, Braithwaite, Burnside, Chalmette, Destrahan, Geismar, Gramercy, Gretna, Harvey, Marrero, Norco, Port Sulphur, St. Rose, and Westwego, La.)
Gulfport, Miss.
Lake Charles, La.

CLASS C

Morgan City, La.
Pascagoula, Miss.

DISTRICT NO. 30—HELENA, MONT.

CLASS A

*Eastport, Idaho
*Porthill, Idaho
Chief Mountain, Mont. (May–October)
Del Bonita, Mont.
*Morgan, Mont.
*Opheim, Mont.
*Piegan, Mont.
*Raymond, Mont.
*Roosville, Mont.
*Scobey, Mont.
*Sweetgrass, Mont.
*Turner, Mont.
*Whitetail, Mont.
*Wildhorse, Mont.
*Willow Creek, Mont.

CLASS B

Whitlash, Mont.

DISTRICT NO. 31—PORTLAND, OREG.

CLASS A

Astoria, Oreg. (the port of Astoria includes, among others, the port facilities at Bradwood, Pacific City, Taft, Tillamook (including Garibaldi and Bay City), Warrenton, Wauna, and Westport, Oreg.)
Coos Bay, Oreg. (the port of Coos Bay includes, among others, the port facilities at Bandon, Brookings, Depoe Bay, Florence, Frankfort, Gold Beach, Newport (including Toledo), Port Orford, Reedsport, Waldport, and Yachats, Oreg.)
Portland, Oreg. (the port of Portland includes, among others, the port facilities at Beaver, Columbia City, Prescott, Rainier, and St. Helens, Oreg.; and Kalama, Longview, and Vancouver, Wash.)

DISTRICT NO. 32—ANCHORAGE, ALASKA

CLASS A

Anchorage, Alaska
*Haines, Alaska
Juneau, Alaska
*Ketchikan, Alaska
Skagway, Alaska
*Tok, Alaska

CLASS B

Eagle, Alaska
Hyder, Alaska

DISTRICT NO. 38—HOUSTON, TEX.

CLASS A

Beaumont, Tex.
*Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Freeport, Port Bolivar, and Texas City, Tex.)
Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.)
*Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.)

(3) *Ports of entry for aliens arriving by aircraft.* In addition to the following international airports which are hereby designated as ports of entry for aliens arriving by aircraft, other places where permission for certain aircraft to land officially has been given and places where emergency or forced landings are made under Part 239 of this chapter shall be regarded as designated for the entry of aliens arriving by such aircraft:

DISTRICT NO. 1—ST. ALBANS, VT.

Burlington, Vt., Burlington Municipal Airport

DISTRICT NO. 6—MIAMI, FLA.

Fort Lauderdale, Fla., Fort Lauderdale-Hollywood Airport
Key West, Fla., Key West International Airport
Miami, Fla., Chalks Flying Service Seaplane Base
Miami, Fla., Miami International Airport
Tampa, Fla., Tampa International Airport
West Palm Beach, Fla., Palm Beach International Airport

DISTRICT NO. 7—BUFFALO, N.Y.

Albany, N.Y., Albany County Airport
Massena, N.Y., Richards Field
Ogdensburg, N.Y., Ogdensburg Harbor
Ogdensburg, N.Y., Ogdensburg Municipal Airport
Rochester, N.Y., Rochester-Monroe County Airport
Rouses Point, N.Y., Rouses Point Seaplane Base
Watertown, N.Y., Watertown Municipal Airport

DISTRICT NO. 8—DETROIT, MICH.

Detroit, Mich., Detroit-City Airport
Detroit, Mich., Detroit Metropolitan Wayne County Airport
Port Huron, Mich., St. Clair County Airport
Sault Ste. Marie, Mich., Sault Ste. Marie Airport

DISTRICT NO. 9—CHICAGO, ILL.

Chicago, Ill., Chicago Midway Airport

DISTRICT NO. 10—ST. PAUL, MINN.

Baudette, Minn., Baudette International Airport
Duluth, Minn., Duluth International Airport
Duluth, Minn., Sky Harbor Airport
International Falls, Minn., Falls International Airport
Ranier, Minn., International Seaplane Base
Grand Forks, N. Dak., Grand Forks International Airport
Minot, N. Dak., Minot International Airport
Pembina, N. Dak., Port Pembina Airport
Portal, N. Dak., Portal Airport
Williston, N. Dak., Sloulin Field (Municipal)

DISTRICT NO. 12—SEATTLE, WASH.

Bellingham, Wash., Bellingham Airport
Friday Harbor, Wash., Friday Harbor
Oroville, Wash., Dorothy Scott Municipal Airport
Oroville, Wash., Dorothy Scott Seaplane Base
Port Townsend, Wash., Jefferson County International Airport
Seattle, Wash., Boeing Municipal Air Field
Seattle, Wash., Lake Union
Spokane, Wash., Felts Field

DISTRICT NO. 14—SAN ANTONIO, TEX.

Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.
Del Rio, Tex., Del Rio International Airport
Eagle Pass, Tex., Eagle Pass Airport
Laredo, Tex., Laredo International Airport
McAllen, Tex., Miller International Airport

DISTRICT NO. 15—EL PASO, TEX.

El Paso, Tex., International Airport

DISTRICT NO. 16—LOS ANGELES, CALIF.

Calexico, Calif., Calexico International Airport
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field)

DISTRICT NO. 17—HONOLULU, HAWAII

Agana, Guam, Mariana Islands, Agana Field

DISTRICT NO. 18—PHOENIX, ARIZ.

Douglas, Ariz., Bisbee-Douglas Airport
Nogales, Ariz., Nogales International Airport
Tucson, Ariz., Tucson International Airport
Yuma, Ariz., Yuma International Airport

DISTRICT NO. 22—PORTLAND, MAINE

Caribou, Maine, Caribou Municipal Airport

DISTRICT NO. 24—CLEVELAND, OHIO

Akron, Ohio, Municipal Airport
Cleveland, Ohio, Cleveland Hopkins Airport
Sandusky, Ohio, John G. Hinde Airport

DISTRICT NO. 30—HELENA, MONT.

Cut Bank, Mont., Cut Bank Airport
Glasgow, Mont., Glasgow International Airport
Great Falls, Mont., Great Falls International Airport
Havre, Mont., Havre-Hill County Airport

DISTRICT NO. 32—ANCHORAGE, ALASKA

Juneau, Alaska, Juneau Municipal Airport
Juneau, Alaska, Juneau Airport (Seaplane Base only)
Ketchikan, Alaska, Ketchikan Airport
Wrangell, Alaska, Wrangell Seaplane Base

(4) *Immigration offices in foreign countries:*

Athens, Greece	Palermo, Italy
Frankfurt, Germany	Rome, Italy
Guadalajara, Mexico	Tijuana, Mexico
Hamilton, Bermuda	Tokyo, Japan
Hong Kong, B.C.C.	Toronto, Ontario, Canada
Manila, Philippine Islands	Vancouver, British Columbia, Canada
Mexico City, Mexico	Victoria, British Columbia, Canada
Monterrey, Mexico	Vienna, Austria
Montreal, Quebec, Canada	Winnipeg, Manitoba, Canada
Naples, Italy	
Nassau, Bahamas	
Ottawa, Ontario, Canada	

(d) *Border Patrol Sectors.* Border Patrol sector headquarters and stations are situated at the following locations:

SECTOR NO. 1—HOULTON, MAINE

Calais, Maine	Jackman, Maine
Fort Fairfield, Maine	Lincoln, Maine
Houlton, Maine	Van Buren, Maine

SECTOR NO. 2—SWANTON, VT.

Beecher Falls, Vt.	Rouses Point, N.Y.
Derby Line, Vt.	Swanton, Vt.
Richford, Vt.	Whitehall, N.Y.

SECTOR NO. 3—OGDENSBURG, N.Y.

Malone, N.Y.	Ogdensburg, N.Y.
Massena, N.Y.	Watertown, N.Y.

SECTOR NO. 4—BUFFALO, N.Y.

Buffalo, N.Y.	Niagara Falls, N.Y.

SECTOR NO. 5—DETROIT, MICH.

Detroit, Mich.	Sault Ste. Marie, Mich.
Port Huron, Mich.	Trenton, Mich.

SECTOR NO. 6—GRAND FORKS, N. DAK.

Bottineau, N. Dak.	Pembina, N. Dak.
Grand Forks, N. Dak.	Portal, N. Dak.
Grand Marais, Minn.	Warroad, Minn.
International Falls, Minn.	

SECTOR NO. 7—HAVRE, MONT.

Browning, Mont.	Shelby, Mont.
Havre, Mont.	Twin Falls, Idaho
Malta, Mont.	Wolf Point, Mont.

SECTOR NO. 8—SPOKANE, WASH.

Bonners Ferry, Idaho	Spokane, Wash.
Colville, Wash.	White Fish, Mont.
Oroville, Wash.	

SECTOR NO. 9—BLAINE, WASH.

Bellingham, Wash.	Lynden, Wash.
Blaine, Wash.	

SECTOR NO. 10—LIVERMORE, CALIF.

Bakersfield, Calif.	Sacramento, Calif.
Fresno, Calif.	Salinas, Calif.
Livermore, Calif.	Stockton, Calif.

SECTOR NO. 11—CHULA VISTA, CALIF.

Campo, Calif.	San Clemente, Calif.
Chula Vista, Calif.	San Luis Obispo, Calif.
El Cajon, Calif.	Temecula, Calif.
Oxnard, Calif.	

SECTOR NO. 12—EL CENTRO, CALIF.

Calexico, Calif.	Indio, Calif.
El Centro, Calif.	Riverside, Calif.

SECTOR NO. 13—YUMA, ARIZ.

Blythe, Calif.	Yuma, Ariz.
Tacna, Ariz.	

SECTOR NO. 14—TUCSON, ARIZ.

Casa Grande, Ariz.	Phoenix, Ariz.
Douglas, Ariz.	Tucson, Ariz.
Gila Bend, Ariz.	Willcox, Ariz.
Nogales, Ariz.	

SECTOR NO. 15—EL PASO, TEX.

Alamogordo, N. Mex.	Las Cruces, N. Mex.
Carlsbad, N. Mex.	Lordsburg, N. Mex.
Columbus, N. Mex.	Sierra Blanca, Tex.
El Paso, Tex.	Truth or Consequences, N. Mex.
Fabens, Tex.	
Fort Hancock, Tex.	

SECTOR NO. 16—MARFA, TEX.

Alpine, Tex.	Marfa, Tex.
Amarillo, Tex.	Pecos, Tex.
Big Spring, Tex.	Presidio, Tex.
Fort Stockton, Tex.	Sanderson, Tex.
Lubbock, Tex.	Van Horn, Tex.

SECTOR NO. 17—DEL RIO, TEX.

Brackettville, Tex.	Eagle Pass, Tex.
Carrizo Springs, Tex.	Ozona, Tex.
Comstock, Tex.	Sonora, Tex.
Del Rio, Tex.	Uvalde, Tex.

SECTOR NO. 18—LAREDO, TEX.

Corpus Christi, Tex.	Hebbronville, Tex.
Cotulla, Tex.	Laredo, Tex.
Galveston, Tex.	

SECTOR NO. 19—MCALLEN, TEX.

Brownsville, Tex.	McAllen, Tex.
Falfurrias, Tex.	Mercedes, Tex.
Harlingen, Tex.	Rio Grande City, Tex.
Kingsville, Tex.	

SECTOR NO. 20—NEW ORLEANS, LA.

Baton Rouge, La.	Miami, Okla.
Gulfport, Miss.	Mobile, Ala.
Lake Charles, La.	New Orleans, La.
Little Rock, Ark.	Pensacola, Fla.

SECTOR NO. 21—MIAMI, FLA.

Jacksonville, Fla.	Tampa, Fla.
Miami, Fla.	West Palm Beach, Fla.
Orlando, Fla.	

(e) *Special inquiry officers.* Special inquiry officers are stationed at the following district headquarters: Districts 2, 3, 4, 6, 8, 9, 12, 13, 14, 15, 16, 21, and 25.

Compliance with the provisions of section 553 of Title 5 of the United States

Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance since the republication of § 100.4 is editorial in nature.

Dated: December 7, 1973.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.73-26284 Filed 12-11-73;8:45 am]

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

[File No. C0845-P]

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103; 66 Stat. 173) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 103 and 238 of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 103, § 103.1 is amended by adding a new paragraph (e-1) authorizing regional counsels to approve, within their respective regional areas, production or disclosure in response to subpoenas or demands of courts or other authorities, as provided in 28 CFR 16.23(b)(2)(iii).

On November 21, 1973, agreements for preinspection at Toronto, Vancouver, and Winnipeg, Canada, of flights of Trans World Airlines, Inc. destined to the United States, were entered into between Trans World Airlines, Inc. and the Acting Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. On November 23, 1973, a similar agreement was entered into for preinspection at Toronto, Canada, of flights of Yugoslav Airlines destined to the United States. Therefore, in Part 238, § 238.4 is amended by adding "Trans World Airlines, Inc." and "Yugoslav Airlines" to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at places outside the United States.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. In § 103.1, a new paragraph (e-1) is added to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e-1) *Regional counsels.* In addition to other legal activities performed under the executive direction of the General Counsel, authority within their respective regional areas, concurrent with that of the General Counsel, to approve production or disclosure in response to subpoenas or demands of courts or other authorities, as provided in 28 CFR 16.23(b)(2)(iii).

* * * * *

2. The listing of transportation lines under "At Toronto" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation lines in alphabetical sequence: "Trans World Airlines, Inc." and "Yugoslav Airlines".

3. The listing of transportation lines under "At Vancouver" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Trans World Airlines, Inc."

4. The listing of transportation lines under "At Winnipeg" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Trans World Airlines, Inc."

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 103.1 relates to agency management and the amendments to § 238.4 add transportation lines to the listings.

Effective date. This order shall become effective December 12, 1973.

Dated: December 6, 1973.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.73-26285 Filed 12-11-73;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Relief of Restrictions on Importation of Birds; Correction

In FR Doc. 73-23096 (38 FR 29882), appearing in the FEDERAL REGISTER of Tuesday, October 30, 1973, amendment 2 in the first column on page 29883, is corrected to read:

2. In § 92.2, in paragraph (b) the last clause "except as provided in paragraph (a), (c), or (d) of this section." is amended to read "except as provided in paragraph (a), (c), (d), or (f) of this section."

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and unnecessary, and since this amendment relieves restrictions, it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective on December 7, 1973.

Done at Washington, D.C., this 7th day of December 1973.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-26320 Filed 12-11-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 151c—CHLORAMPHENICOL

Recodification, Technical Changes, and Updating of Chloramphenicol Monographs; Correction

In FR Doc. 73-16105 appearing at page 21254 in the issue for Tuesday, August 7, 1973, the following changes should be made:

1. In § 151c.2 in paragraph (b)(2) *Safety.* in the first column of page 21258, the following sentence should be inserted after the word "chapter": "Apply sufficient heat to dissolve the chloramphenicol."

2. In § 151c.3 in paragraph (b)(2) *Safety.* in the third column of page 21258, the second sentence reading "Apply sufficient heat to dissolve the chloramphenicol." should be deleted.

3. In § 151c.14 in paragraph (a)(1) the sixth sentence in the second column that reads, "Division of Biologics Standards, National Institutes of Health, Department of health, Education, and Welfare" should be changed to read "Bureau of Biologics, Food and Drug Administration, Department of Health, Education, and Welfare".

Dated: December 5, 1973.

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

[FR Doc.73-26268 Filed 12-11-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-266]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Maryland	Anne Arundel	Annapolis, City of.	----------	----------	----------	Dec. 7, 1973. Emergency.
Massachusetts	Barnstable	Harwich, Town of.	----------	----------	----------	Dec. 10, 1973. Emergency.
Missouri	St. Louis	Bellefontaine Neighbors, City of.	----------	----------	----------	Do.
Do	do	Bridgeton, City of.	----------	----------	----------	Do.
New York	Livingston	Avon, Village of	----------	----------	----------	Do.
Pennsylvania	Wayne	Paupack, Township of.	----------	----------	----------	Do.
South Carolina	Lancaster	Lancaster, City of.	----------	----------	----------	Dec. 7, 1973. Emergency.

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

Issued: December 3, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-26243 Filed 12-11-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS

PART 221—OPERATION AND MAINTENANCE CHARGES

Water on the Ahtanum Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in section 15 (a) of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 23954 of the FEDERAL REGISTER of September 5, 1973, (38 FR 171), there was published a notice of intention to modify § 221.1 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1974 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

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

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Ahtanum Indian Irrigation Project as set forth below.

The modified § 221.1 shall become effective January 11, 1974.

§ 221.1 **Charges.**

Pursuant to the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385,-387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1974 and subsequent years until further notice, are hereby fixed at $3.75 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

RICHARD M. BALSIGER,
Acting Area Director.

DECEMBER 3, 1973.

[FR Doc.73-26303 Filed 12-11-73;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Basic and Other Water Charges on the Wapato Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in section 15(a) of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by Sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 23955 of the FEDERAL REGISTER of September 5, 1973 (38 FR 171), there was published a notice of intention to modify § 221.86 of 25 CFR Part 221 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1974 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

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

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for basic and other water charges for the Wapato Indian Irrigation Project as set forth below.

The modified § 221.86 shall become effective January 11, 1974.

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the Calendar Year 1974 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$10.80
(2) Flat rate upon all farm units or tracts for each assessable acre except Additional Works lands	10.80
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	0.60
(4) Flat rate upon all farm units or tracts for each assessable acre of Additional Works lands	11.30

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected from all lands except Additional Works lands beginning with the Calendar Year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

RICHARD M. BALSIGER,
Acting Area Director.

DECEMBER 3, 1973.

[FR Doc.73-26288 Filed 12-11-73;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Water Charges on Toppenish-Simcoe Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in section 15(a) of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by Sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 23954 of the FEDERAL REGISTER of September 5, 1973 (FR Doc. 73-18683) there was published a notice of intention to modify § 221.73 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Calendar Year 1974 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

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

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Toppenish-Simcoe Indian Irrigation Project as set forth below.

The modified § 221.73 shall become effective on January 11, 1974.

§ 221.73 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the ToppenishSimcoe Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1974 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre	$4.10

RICHARD M. BALSIGER,
Acting Area Director.

DECEMBER 3, 1973.

[FR Doc.73-26321 Filed 12-11-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7296]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Estate Tax Credit for Foreign Death Taxes; Estate and Gift Tax Treatment of Transfers of Nonresidents not Citizens of the United States

By a notice of proposed rule making appearing in the Federal Register for December 30, 1972 (37 FR 28901), amendments to the Estate Tax Regulations (26 CFR Part 20) and the Gift Tax Regulations (26 CFR Part 25) were proposed in order to conform such regulations to the amendments of the Internal Revenue Code of 1954 made by sections 106(b)(3), 108, and 109 of the Foreign Investors Tax Act of 1966 (80 Stat. 1570, 1571, and 1574) and by section 435(b) of the Tax Reform Act of 1969 (83 Stat. 625).

Section 106(b)(3) of the 1966 Act limits the applicability of the "similar credit" requirement of section 2014 of the Code to estates of decedents who were citizens of a foreign country with respect to which a special Presidential proclamation has been made. The "similar credit" requirement conditions the allowance under section 2014 of a Federal estate tax credit for foreign death taxes upon the allowance by the foreign country imposing the death taxes of a similar credit to the estates of U.S. citizens who were residents of that foreign country. The amendment applies to estates of decedents dying after November 13, 1966.

Section 108 of the 1966 Act relates to the Federal estate tax treatment of estates of decedents who were nonresidents not citizens of the United States and who died after November 13, 1966. It increases the exemption from $2,000 to $3,000, substantially reduces the tax rates, provides a special limitation on the amount of the credit allowable for State death taxes, provides new situs rules with respect to debt obligations and similar property, and adds new sections 2107 and 2108 to the Code. New section 2107 provides for special estate tax treatment in cases of certain decedents who made tax-motivated expatriations from the United States. New section 2108 provides for the application of certain estate tax provisions as they existed prior to amendment by the 1966 Act, in cases of estates of decedents who were residents of a foreign country with respect to which the President has made a special proclamation resulting from the President's finding, among other things, that the foreign country imposes a more burdensome tax on estates of citizens of the United States who were not residents of that foreign country than the United States imposes on the estates of decedents who were residents of that foreign country and not citizens of the United States.

Section 109 of the 1966 Act relates to the Federal gift tax treatment of gifts made after December 31, 1966, by nonresidents not citizens of the United States. It provides that gifts of intangible personal property by such donors are not subject to the gift tax except in cases of certain donors who made tax-motivated expatriations from the United States. It also provides special situs rules for stock in a corporation and for debt obligations and similar property.

Section 435(b) of the 1969 Act changed the date from "December 31, 1972" to "December 31, 1969" in the rule under section 2104(c) of the Code relating to deposits with a domestic banking branch of a foreign corporation. This rule provides generally that, in the case of decedents dying after December 31, 1969, deposits with a branch in the United States of a foreign corporation have a situs in the United States if the branch is engaged in the commercial banking business.

Paragraph 1. No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendments of the regulations as so proposed are hereby adopted without change.

Par. 2. Section 20.0-1 is amended by striking out the last sentence of paragraph (a)(1).

Par. 3. Section 25.0-1 is amended by striking out the last sentence of paragraph (a)(1).

(This Treasury decision is issued under the authority contained in section 7805 of the

Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 7, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

A. Part 20 of 26 CFR Chapter I is amended as follows:

PARAGRAPH 1. Section 20.0–1 is amended by revising paragraph (b) (1), (2), and (4) to read as follows:

§ 20.0–1 Introduction.

* * * * *

(b) *Scope of regulations*—(1) *Estates of citizens or residents.* Subchapter A of chapter 11 of the Code pertains to the taxation of the estate of a person who was a citizen or a resident of the United States at the time of his death. A "resident" decedent is a decedent who, at the time of his death, had his domicile in the United States. The term "United States", as used in the estate tax regulations, includes only the States and the District of Columbia. The term also includes the Territories of Alaska and Hawaii prior to their admission as States. See section 7701(a)(9). A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal. For the meaning of the term "citizen of the United States" as applied in a case where the decedent was a resident of a possession of the United States, see § 20.2208–1. The regulations pursuant to subchapter A are set forth in §§ 20.2001 to 20.2056 (c)–3.

(2) *Estates of nonresidents not citizens.* Subchapter B of chapter 11 of the Code pertains to the taxation of the estate of a person who was a nonresident not a citizen of the United States at the time of his death. A "nonresident" decedent is a decedent who, at the time of his death, had his domicile outside the United States under the principles set forth in subparagraph (1) of this paragraph. (See, however, section 2202 with respect to missionaries in foreign service.) The regulations pursuant to subchapter B are set forth in §§ 20.2101 to 20.2108.

* * * * *

(4) *Procedure and administration provisions.* Subtitle F of the Internal Revenue Code contains some sections which are applicable to the Federal estate tax. The regulations pursuant to those sections are set forth in §§ 20.6001 to 20.7404. Such regulations do not purport to be all the regulations on procedure and administration which are pertinent to estate tax matters. For the remainder of the regulations on procedure and administration which are pertinent to estate tax matters, see Part 301 (Regulations on Procedure and Administration) of this chapter.

* * * * *

PAR. 2. Section 20.0–2 is amended by revising paragraph (c) to reads as follows:

§ 20.0–2 General description of tax.

* * * * *

(c) *Method of determining tax; estate of nonresident not a citizen.* In general, the method to be used in determining the Federal estate tax imposed upon the transfer of an estate of a decedent who was a nonresident not a citizen of the United States is similar to that described in paragraph (b) of this section with respect to the estate of a citizen or resident. Briefly stated, the steps are as follows: First, ascertain the sum of the value of that part of the decedent's "entire gross estate" which at the time of his death was situated in the United States (see §§ 20.2103–1 and 20.2104–1) and, in the case of an estate of an expatriate to which section 2107 applies, any amounts includible in his gross estate under section 2107(b) (see paragraph (b) of § 20.2107–1); second, determine the value of the taxable estate by subtracting from the amount determined under the first step the amount of the allowable deductions (see § 20.2106–1); third, compute the gross estate tax on the taxable estate (see § 20.2101–1); and fourth, subtract from the gross estate tax the total amount of any allowable credits in order to arrive at the net estate tax payable (see § 20.2102–1 and paragraph (c) of § 20.2107–1).

PAR. 3. Section 20.2013–2 is amended by revising paragraph (c) to read as follows:

§ 20.2013–2 "First limitation".

* * * * *

(c)(1) For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted taxable estate" referred to as factor "D" is the amount of the transferor's taxable estate (or net estate) decreased by the amount of any "death taxes" paid with respect to his gross estate and increased by the amount of the exemption allowed in computing his taxable estate (or net estate). The amount of the transferor's taxable estate (or net estate) is determined in accordance with the provisions of § 20.2051–1 in the case of a citizen or resident of the United States or of § 20.2106–1 in the case of a nonresident not a citizen of the United States (or the corresponding provisions of prior regulations). The term "death taxes" means the Federal estate tax plus all other estate, inheritance, legacy, succession, or similar death taxes imposed by, and paid to, any taxing authority, whether within or without the United States. However, only the net amount of such taxes paid is taken into consideration.

(2) The amount of the exemption depends upon the citizenship and residence of the transferor at the time of his death. Except in the case of a decedent described in section 2209 (relating to certain residents of possessions of the United States who are considered nonresidents not citizens), if the decedent was a citizen or resident of the United States, the exemption is the $60,000 authorized by section 2052 (or the corresponding provisions of prior law). If the decedent was a nonresident not a citizen of the United States, or is considered under section 2209 to have been such a nonresident, the exemption is the $30,000 or $2,000, as the case may be, authorized by section 2106(a)(3) (or the corresponding provisions of prior law), or such larger amount as is authorized by section 2106(a)(3)(B) or may have been allowed as an exemption pursuant to the prorated exemption provisions of an applicable death tax convention. See § 20.2052–1 and paragraph (a)(3) of § 20.2106–1.

* * * * *

PAR. 4. Section 20.2013–3 is amended by revising paragraph (a)(1) to read as follows:

§ 20.2013–3 "Second limitation".

(a) The amount of the Federal estate tax attributable to the transferred property in the present decedent's estate is the "second limitation". Thus, the credit is limited to the difference between—

(1) The net estate tax payable (see paragraph (b)(5) or (c), as the case may be, of § 20.0–2) with respect to the present decedent's estate, determined without regard to any credit for tax on prior transfers under section 2013 or any credit for foreign death taxes claimed under the provisions of a death tax convention, and

* * * * *

PAR. 5. Section 20.2013–4 is amended by revising that part of paragraph (a) which precedes example (1) therein to read as follows:

§ 20.2013–4 Valuation of property transferred.

(a) For purposes of section 2013 and §§ 20.2013 to 20.2013–6, the value of the property transferred to the decedent is the value at which the property was included in the transferor's gross estate for the purpose of the Federal estate tax (see sections 2031, 2032, 2103, and 2107, and the regulations thereunder) reduced as indicated in paragraph (b) of this section. If the decedent received a life estate or remainder or other limited interests in property included in the transferor's gross estate, the value of the interest is determined as of the date of the transferor's death on the basis of recognized valuation principles (see especially §§ 20.2031–7 and 20.2031–10). The application of this paragraph may be illustrated by the following examples:

* * * * *

PAR. 6. Section 20.2014 is amended by revising section 2014(a), by adding a new section 2014(h), and by revising the historical note. These amended and added provisions read as follows:

§ 20.2014 Statutory provisions; credit for foreign death taxes.

SEC. 2014. *Credit for foreign death taxes*—(a) *In general.* The tax imposed by section 2001 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any foreign country in respect of any property situated within such foreign country and included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The determination of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States.

* * * * *

(h) *Similar credit required for certain alien residents.* Whenever the President finds that—

(1) A foreign country, in imposing estate, inheritance, legacy, or succession taxes, does not allow to citizens of the United States resident in such foreign country at the time of death a credit similar to the credit allowed under subsection (a),

(2) Such foreign country, when requested by the United States to do so has not acted to provide such a similar credit in the case of citizens of the United States resident in such foreign country at the time of death, and

(3) It is in the public interest to allow the credit under subsection (a) in the case of citizens or subjects of such foreign country only if it allows such a similar credit in the case of citizens of the United States resident in such foreign country at the time of death,

the President shall proclaim that, in the case of citizens or subjects of such foreign country dying while the proclamation remains in effect, the credit under subsection (a) shall be allowed only if such foreign country allows such a similar credit in the case of citizens of the United States resident in such foreign country at the time of death.

[Sec. 2014 as amended by sec. 102(c)(2), Technical Amendments Act 1958 (72 Stat. 1674); sec. 2, Act of Aug. 21, 1959 (Pub. L. 86-175, 73 Stat. 397); sec. 106(b)(3) Foreign Investors Tax Act 1966 (80 Stat. 1570)]

PAR. 7. Section 20.2014-1 is amended by revising paragraph (a) (1) and (3) and by adding a new paragraph (c). These amended and added provisions read as follows:

§ 20.2014-1 Credit for foreign death taxes.

(a) *In general.* (1) A credit is allowed under section 2014 against the Federal estate tax for any estate, inheritance, legacy, or succession taxes actually paid to any foreign country (hereinafter referred to as "foreign death taxes"). The credit is allowed only for foreign death taxes paid (i) with respect to property situated within the country to which the tax is paid, (ii) with respect to property included in the decedent's gross estate, and (iii) with respect to the decedent's estate. The credit is allowable to the estate of a decedent who was a citizen of the United States at the time of his death. The credit is also allowable, as provided in paragraph (c) of this section, to the estate of a decedent who was a resident but not a citizen of the United States at the time of his death. The credit is not allowable to the estate of a decedent who was neither a citizen nor a resident of the United States at the time of his death. See paragraph (b)(1) of § 20.0-1 for the meaning of the term "resident" as applied to a decedent. The credit is allowable not only for death taxes paid to foreign countries which are states in the international sense, but also for death taxes paid to possessions or political subdivisions of foreign states. With respect to the estate of a decedent dying after September 2, 1958, the term "foreign country", as used in this section and §§ 20.2014-2 to 20.2014-6, includes a possession of the United States. See §§ 20.2011-1 and 20.2011-2 for the allowance of a credit for death taxes paid to a possession of the United States in the case of a decedent dying before September 3, 1958. No credit is allowable for interest or penalties paid in connection with foreign death taxes.

* * * * *

(3) No credit is allowable under section 2014 in connection with property situated outside of the foreign country imposing the tax for which credit is claimed. However, such a credit may be allowable under certain death tax conventions. In the case of a tax imposed by a political subdivision of a foreign country, credit for the tax shall be allowed with respect to property having a situs in that foreign country, even though, under the principles described in this subparagraph, the property has a situs in a political subdivision different from the one imposing the tax. Whether or not particular property of a decedent is situated in the foreign country imposing the tax is determined in accordance with the same principles that would be applied in determining whether or not similar property of a nonresident decedent not a citizen of the United States is situated within the United States for Federal estate tax purposes. See §§ 20.2104-1 and 20.2105-1. For example, under § 20.2104-1 shares of stock are deemed to be situated in the United States only if issued by a domestic corporation. Thus, a share of corporate stock is regarded as situated in the foreign country imposing the tax only if the issuing corporation is incorporated in that country. Further, under § 20.2105-1 amounts receivable as insurance on the life of a nonresident not a citizen of the United States at the time of his death are not deemed situated in the United States. Therefore, in determining the credit under section 2014 in the case of a decedent who was a citizen or resident of the United States, amounts receivable as insurance on the life of the decedent and payable under a policy issued by a corporation incorporated in a foreign country are not deemed situated in such foreign country. In addition, under § 20.2105-1 in the case of an estate of a nonresident not a citizen of the United States who died on or after November 14, 1966, a debt obligation of a domestic corporation is not considered to be situated in the United States if any interest thereon would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(B) (relating to interest received from a domestic corporation less than 20 percent of whose gross income for a 3-year period was derived from sources within the United States). Accordingly, a debt obligation the primary obligor on which is a corporation incorporated in the foreign country imposing the tax is not considered to be situated in that country if, under circumstances corresponding to those described in § 20.2105-1 less than 20 percent of the gross income of the corporation for the 3-year period was derived from sources within that country. Further, under § 20.2104-1 in the case of an estate of a nonresident not a citizen of the United States who died before November 14, 1966, a bond for the payment of money is not situated within the United States unless it is physically located in the United States. Accordingly, in the case of the estate of a decedent dying before November 14, 1966, a bond is deemed situated in the foreign country imposing the tax only if it is physically located in that country. Finally, under § 20.2105-1 moneys deposited in the United States with any person carrying on the banking business by or for a nonresident not a citizen of the United States who died before November 14, 1966, and who was not engaged in business in the United States at the time of death are not deemed situated in the United States. Therefore, an account with a foreign bank in the foreign country imposing the tax is not considered to be situated in that country under corresponding circumstances.

* * * * *

(c) *Credit allowable to estate of resident not a citizen.* (1) In the case of an estate of a decedent dying before November 14, 1966, who was a resident but not a citizen of the United States, a credit is allowed to the estate under section 2014 only if the foreign country of which the decedent was a citizen or subject, in imposing foreign death taxes, allows a similar credit to the estates of citizens of the United States who were resident in that foreign country at the time of death.

(2) In the case of an estate of a decedent dying on or after November 14, 1966, who was a resident but not a citizen of the United States, a credit is allowed to the estate under section 2014 without regard to the similar credit requirement of subparagraph (1) of this paragraph unless the decedent was a citizen or subject of a foreign country with respect to which there is in effect at the time of the decedent's death a Presidential proclamation, as authorized by section 2014(h), reinstating the similar credit requirement. In the case of an estate of a decedent who was a resident of the United States and a citizen or subject of a foreign country with respect to which such a proclamation has been made, and who dies while the proclamation is in effect, a credit is allowed under section 2014 only if that foreign country,

in imposing foreign death taxes, allows a similar credit to the estates of citizens of the United States who were resident in that foreign country at the time of death. The proclamation authorized by section 2014(h) for the reinstatement of the similar credit requirement with respect to the estates of citizens or subjects of a specific foreign country may be made by the President whenever he finds that—

(i) The foreign country, in imposing foreign death taxes, does not allow a similar credit to the estates of citizens of the United States who were resident in the foreign country at the time of death,

(ii) The foreign country, after having been requested to do so, has not acted to provide a similar credit to the estates of such citizens, and

(iii) It is in the public interest to allow the credit under section 2014 to the estates of citizens or subjects of the foreign country only if the foreign country allows a similar credit to the estates of citizens of the United States who were resident in the foreign country at the time of death.

The proclamation for the reinstatement of the similar credit requirement with respect to the estates of citizens or subjects of a specific foreign country may be revoked by the President. In that case, a credit is allowed under section 2014, to the estate of a decedent who was a citizen or subject of that foreign country and a resident of the United States at the time of death, without regard to the similar credit requirement if the decedent dies after the proclamation reinstating the similar credit requirement has been revoked.

PAR. 8. Section 20.2014–2 is amended by revising the example in paragraph (a) to read as follows:

§ 20.2014–2 "First limitation".

(a) * * *

Example. At the time of his death on June 1, 1966, the decedent, a citizen of the United States, owned stock in X Corporation (a corporation organized under the laws of Country Y) valued at $80,000. In addition, he owned bonds issued by Country Y valued at $80,000. The stock and bond certificates were in the United States. Decedent left by will $20,000 of the stock and $50,000 of the Country Y bonds to his surviving spouse. He left the rest of the stock and bonds to his son. Under the situs rules referred to in paragraph (a)(3) of § 20.2014–1 the stock is deemed situated in Country Y while the bonds are deemed to have their situs in the United States. (The bonds would be deemed to have their situs in Country Y if the decedent had died on or after November 14, 1966.) There is no death tax convention in existence between the United States and Country Y. The laws of Country Y provide for inheritance taxes computed as follows:

$$\frac{\$20{,}000+\$60{,}000 \text{ (factor C of the ratio stated at § 20.2014–2(a))}}{\$70{,}000+\$90{,}000 \text{ (factor D of the ratio stated at § 20.2014–2(a))}} \times (\$11{,}200+\$14{,}400) \text{ (factor B of the ratio stated at § 20.2014–2(a))} = 12{,}800$$

Inheritance tax of surviving spouse:	
Value of stock	$20,000
Value of bonds	50,000
Total value	70,000
Tax (16 percent rate)	11,200
Inheritance tax of son:	
Value of stock	60,000
Value of bonds	30,000
Total value	90,000
Tax (16 percent rate)	14,400

The "first limitation" on the credit for foreign death taxes is:

* * * * *

PAR. 9. Section 20.2014–3 is amended by revising subdivision (i) in Example (1) in paragraph (c) to read as follows:

§ 20.2014–3 "Second limitation".

* * * * *

(c) * * *

Example (1). (i) Decedent, a citizen and resident of the United States at the time of his death on February 1, 1967, left a gross estate of $1,000,000 which includes the following: shares of stock issued by a domestic corporation, valued at $750,000; bonds issued in 1960 by the United States and physically located in foregin Country X, valued at $50,000; and shares of stock issued by a Country X corporation, valued at $200,000, with respect to which death taxes were paid to Country X. Expenses, indebtedness, etc., amounted to $60,000. Decedent specifically bequeathed $40,000 of the stock issued by the County X corporation to a U.S. charity and left the residue of his estate, in equal shares, to his son and daughter. The gross Federal estate tax is $266,500, and the credit for State death taxes is $27,600. Under the situs rules referred to in paragraph (a)(3) of § 20.2014–1, the shares of stock issued by the Country X corporation comprise the only property deemed to be situated in Country X. (The bonds also would be deemed to have their situs in Country X if the decedent had died before November 14, 1966.)

* * * * *

PAR. 10. Section 20.2014–4 is amended by revising subdivision (i) of the example in paragraph (a)(1), subparagraph (1) of the example in paragraph (b), and the example in paragraph (c) to read as follows:

§ 20.2014–4 Application of credit in cases involving a death tax convention.

(a) *In general.* (1) * * *

Example. (i) Decedent, a citizen of the United States and a domiciliary of foreign Country X at the time of his death on December 1, 1966, left a gross estate of $1 million which includes the following: Shares of stock issued by a Country X corporation, valued at $400,000; bonds issued in 1962 by the United States and physically located in Country X, valued at $350,000; and real estate located in the United States, valued at $250,000. Expenses, indebtedness, etc., amounted to $50,000. Decedent left his entire estate to his son. There is in effect a death tax convention between the United States and Country X which provides for the allowance of credit by the United States for succession duties imposed by the national government of Country X. The gross Federal estate tax is $307,200, and the credit for State death taxes is $33,760. Country X imposed a net succession duty on the stocks and bonds of $180,000. Under the situs rules referred to in paragraph (a)(3) of § 20.2014–1, the shares of stock comprise the only property deemed to be situated in Country X. (If the decedent had died before November 14, 1966, the bonds also would be deemed to have their situs in Country X.) Under the convention, both the stocks and the bonds are deemed to be situated in Country X. In this example all figures are rounded to the nearest dollar.

* * * * *

(b) *Taxes imposed by both a foreign country and a political subdivision thereof.* * * *

Example. (1) Decedent, a citizen of the United States and a domiciliary of Province Y of foreign Country X at the time of his death on February 1, 1966, left a gross estate of $250,000 which includes the following: Bonds issued by Country X physically located in Province Y, valued at $75,000; bonds issued by Province Z of Country X and physically located in the United States, valued at $50,000; and shares of stock issued by a domestic corporation, valued at $125,000. Decedent left his entire estate to his son. Expenses, indebtedness etc., amounted to $26,000. The Federal estate tax after allowance of the credit for State death taxes is $38,124. Province Y imposed a death tax of 8 percent on the Country X bonds located therein which amounted to $6,000. No death tax was imposed by Province Z. Country X imposed a death tax of 15 percent on the Country X bonds and the Province Z bonds which amounted to $18,750 before allowance of any credit for the death tax of Province Y. Country X allows against its death taxes a credit for death taxes paid to any of its provinces on property which it also taxes, but only to the extent of one-half of the Country X death tax attributable to the property, or the amount of death taxes paid to its province, whichever is less. Country X, therefore, allowed a credit of $5,625 for the death taxes paid to Province Y. There is in effect a death tax convention between the United States and Country X which provides for allowance of credit by the United States for death taxes imposed by the national government of Country X. The death tax convention provides that in computing the "first limitation" for the credit under the convention, the tax of Country X is not to be reduced by the amount of the credit allowed for provincial taxes. Under the situs rules described in paragraph (a)(3) of § 20.2014–1, only the Country X bonds located in Province Y are deemed situated in Country X. (The bonds issued by Province Z also would be deemed to have their situs in Country X if the decedent had died on or after November 14, 1966.) Under the convention, both the Country X bonds and the Province Z bonds are deemed to be situated in Country X. In this example all figures are rounded to the nearest dollar.

* * * * *

(c) *Taxes imposed by two foreign countries with respect to the same property.* * * *

Example. The decedent, a citizen of the United States and a domiciliary of Country X at the time of his death on May 1, 1967, left a taxable estate which included bonds issued by Country Z and physically located in Country X. Each of the three countries involved imposed death taxes on the Country Z bonds. Assume that under the provisions

of a treaty between the United States and Country X the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country X on the bonds in the maximum amount of $20,000. Assume, also, that since the decedent died after November 13, 1966, so that under the situs rules referred to in paragraph (a)(3) of § 20.2014–1 the bonds are deemed to have their situs in Country Z, the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country Z on the bonds in the maximum amount of $10,000. Finally, assume that the Federal estate tax attributable to the bonds is $25,000. Under these circumstances, the credit allowed the estate with respect to the bonds would be limited to $25,000.

PAR. 11. Section 20.2015–1 is amended by revising paragraph (a) to read as follows:

§ 20.2015–1 Credit for death taxes on remainders.

(a) If the executor of an estate elects under section 6163(a) to postpone the time for payment of any portion of the Federal estate tax attributable to a reversionary or remainder interest in property, credit is allowed under sections 2011 and 2014 against that portion of the Federal estate tax for State death taxes and foreign death taxes attributable to the reversionary or remainder interest if the State death taxes or foreign death taxes are paid and if credit therefor is claimed either—

(1) Within the time provided for in sections 2011 and 2014, or

(2) Within the time for payment of the tax imposed by section 2001 or 2101 as postponed under section 6163(a) and as extended under section 6163(b) (on account of undue hardship) or, if the precedent interest terminated before July 5, 1958, within 60 days after the termination of the preceding interest or interests in the property.

The allowance of credit, however, is subject to the other limitations contained in sections 2011 and 2014 and, in the case of the estate of a decedent who was a nonresident not a citizen of the United States, in section 2102(b).

* * * * *

PAR. 12. Section 20.2101 is amended by revising section 2101(a) and adding a historical note. These amended and added provisions read as follows:

§ 20.2101 Statutory provisions; tax imposed.

SEC. 2101. *Tax imposed*—(a) *Rate of tax.* Except as provided in section 2107, a tax computed in accordance with the following table is hereby imposed on the transfer of the taxable estate, determined as provided in section 2106, of every decedent nonresident not a citizen of the United States:

If the taxable estate is:	The tax shall be
Not over $100,000	5 percent of the taxable estate.
Over $100,000 but not over $500,000	$5,000, plus 10 percent of excess over $100,000.
Over $500,000 but not over $1,000,000	$45,000, plus 15 percent of excess over $500,000.
Over $1,000,000 but not over $2,000,000	$120,000, plus 20 percent of excess over $1,000,000.
Over $2,000,000	$320,000, plus 25 percent of excess over $2,000,000.

* * * * *

[Sec. 2101 as amended by sec. 108(a), Foreign Investors Tax Act 1966 (80 Stat. 1571)]

PAR. 13. Section 20.2101–1 is amended to read as follows:

§ 20.2101–1 Estates of nonresidents not citizens; tax imposed.

Section 2101 imposes a tax on the transfer of the taxable estate of a nonresident who was not a citizen of the United States at the time of his death. In the case of an estate of a decedent dying on or after November 14, 1966, the tax is generally computed at the rates specified in section 2101(a). However, see section 2107 (relating to estates of certain decedents who lost their U.S. citizenship after March 8, 1965, with a principal purpose of avoiding U.S. income, estate, or gift tax) and section 2108 (relating to estates of decedents who at the time of death were residents of a foreign country with respect to which the President has proclaimed the application of pre-1967 estate tax provisions). Sections 2107 and 2108 provide for the computation of the tax in certain cases of estates of nonresidents not citizens at the rates specified in section 2001 (which is applicable to estates of citizens or residents of the United States). In the case of an estate of a decedent dying before November 14, 1966, the tax imposed by section 2101 is computed at the same rates as the tax which is imposed by section 2001 on the transfer of the taxable estate of a citizen or resident of the United States. For a general description of the method to be used in determining the net estate tax payable in the case of an estate of a nonresident not a citizen, see paragraph (c) of § 20.0–2. For the meanings of the terms "resident", "nonresident", and "United States", as applied to a decedent for purposes of the estate tax, see paragraph (b) (1) and (2) of § 20.0–1. For the presumption applying to the residence of missionaries, see section 2202 and § 20.2202–1. For the liability of the executor for the payment of the tax, see section 2002 and § 20.2002–1.

PAR. 14. Section 20.2102 is amended to read as follows:

§ 20.2102 Statutory provisions; credits against tax.

SEC. 2102. *Credits against tax*—(a) *In general.* The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2011 to 2013, inclusive (relating to State death taxes, gift tax, and tax on prior transfers), subject to the special limitation provided in subsection (b).

(b) *Special limitation.* The maximum credit allowed under section 2011 against the tax imposed by section 2101 for State death taxes paid shall be an amount which bears the same ratio to the credit computed as provided in section 2011(b) as the value of the property, as determined for purposes of this chapter, upon which State death taxes were paid and which is included in the gross estate under section 2103 bears to the value of the total gross estate under section 2103. For purposes of this subsection, the term "State death taxes" means the taxes described in section 2011(a).

[Sec. 2102 as amended by sec. 108(b), Foreign Investors Tax Act 1966 (80 Stat. 1572)]

PAR. 15. Section 20.2102–1 is amended to read as follows:

§ 20.2102–1 Estates of nonresidents not citizens; credits against tax.

(a) *In general.* In arriving at the net estate tax payable with respect to the transfer of an estate of a nonresident who was not a citizen of the United States at the time of his death, the following credits are subtracted from the tax imposed by section 2101:

(1) The State death tax credit under section 2011, to the extent permitted by section 2102(b) and paragraph (b) of this section;

(2) The gift tax credit under section 2012; and

(3) The credit under section 2013 for tax on prior transfers.

Except as provided in section 2102(b) and paragraph (b) of this section (relating to a special limitation on the amount of the credit for State death taxes), the amount of each of these credits is determined in the same manner as that prescribed for its determination in the case of estates of citizens or residents of the United States. See §§ 20.2011 through 20.2013–6. Subject to the additional special limitation contained in section 2102(b) in the case of section 2015, the provisions of sections 2015 and 2016, relating respectively to the credit for death taxes on remainders and the recovery of taxes claimed as a credit, are applicable with respect to the credit for State death taxes in the case of the estates of nonresidents not citizens. However, no credit is allowed under section 2014 for foreign death taxes.

(b) *Special limitation*—(1) *In general.* In the case of estates of decedents dying on or after November 14, 1966, other than estates the estate tax treatment of which is subject to a Presidential proclamation made pursuant to section 2108(a), the maximum credit allowable under section 2011 for State death taxes against the tax imposed by section 2101 on the transfer of estates of nonresidents not citizens of the United States is an amount which bears the same ratio to the maximum credit computed as provided in section 2011(b) (and without regard to this special limitation) as the value of the property (determined in the same manner as that prescribed in paragraph (b) of § 20.2031–1 for the estates of citizens or residents of the United States) in respect of which a State death tax was actually paid and which is included in the gross estate under section 2103 or, if applicable, section 2107(b) bears to the value (as so determined) of the total gross estate under section 2103 or 2107(b). For purposes of this special

limitation, the term "State death taxes" means the taxes described in section 2011(a) and paragraph (a) of § 20.2011–1.

(2) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). A, a nonresident not a citizen of the United States, died on February 15, 1967, owning real property in State Z valued at $50,000 and stock in various domestic corporations valued at $100,000 and not subject to death taxes in any State. State Z's inheritance tax actually paid with respect to the real property in State Z is $2,000. A's taxable estate for Federal estate tax purposes is $110,000, in respect of which the maximum credit under section 2011 would be $720 in the absence of the special limitation contained in section 2102(b). However, under section 2102(b) and this paragraph the amount of the maximum credit allowable in respect to A's estate for State death taxes is limited to the amount which bears the same ratio to $720 (the maximum credit computed as provided in section 2011(b)) as $50,000 (the value of the property in respect of which a State death tax was actually paid and which is included in A's gross estate under section 2103) bears to $150,000 (the value of A's total gross estate under section 2103). Accordingly, the maximum credit allowable under section 2102 and this section for all State death taxes actually paid is $240 ($720×$50,000/$150,000).

Example (2). B, a nonresident not a citizen of the United States, died on January 15, 1967, owning real property in State X valued at $100,000, real property in State Y valued at $200,000, and stock in various domestic corporations valued at $300,000 and not subject to death taxes in any State. States X and Y both impose inheritance taxes. State X has, in addition to its inheritance tax, an estate tax equal to the amount by which the maximum State death tax credit allowable to an estate against its Federal estate tax exceeds the amount of the inheritance tax imposed by State X plus the amount of death taxes paid to other States. State Y has no estate tax. The amount of the inheritance tax actually paid to State X with respect to the real property situated in State X is $4,000; the amount of the inheritance tax actually paid to State Y with respect to the real property situated in State Y is $9,000. B's taxable estate for Federal estate tax purposes is $550,000, in respect of which the maximum credit under section 2011 would be $14,400 in the absence of the special limitation contained in section 2102(b). However, under section 2102(b) and this paragraph the amount of the maximum credit allowable in respect of B's estate for State death taxes is limited to the amount which bears the same ratio to $14,400 (the maximum credit computed as provided in section 2011(b)) as $300,000 (the value of the property in respect of which a State death tax was actually paid and which is included in B's gross estate under section 2103) bears to $600,000 (the value of B's total gross estate under section 2103). Accordingly, the maximum credit allowable under section 2102 and this section for all State death taxes actually paid is $7,200 ($14,400×$300,000/$600,000), and the estate tax of State X is not applicable to B's estate.

PAR. 16. Section 20.2103–1 is amended to read as follows:

§ 20.2103–1 Estates of nonresidents not citizens; "entire gross estate".

The "entire gross estate" wherever situated of a nonresident who was not a citizen of the United States at the time of his death is made up in the same way as the "gross estate" of a citizen or resident of the United States. See §§ 20.2031 through 20.2044–1. See paragraphs (a) and (c) of § 20.2031–1 for the circumstances under which real property situated outside the United States is excluded from the gross estate of a citizen or resident of the United States. However, except as provided in section 2107(b) with respect to the estates of certain expatriates, in the case of a nonresident not a citizen, only that part of the entire gross estate which on the date of the decedent's death is situated in the United States is included in his taxable estate. In fact, property situated outside the United States need not be disclosed on the return unless section 2107 is applicable, certain deductions are claimed, or information is specifically requested. See §§ 20.2106–1, 20.2106–2, and 20.2107–1. For a description of property considered to be situated in the United States, see § 20.2104–1. For a description of property considered to be situated outside the United States, see § 20.2105–1.

PAR. 17. Section 20.2104 is amended by adding a new subsection (c) to section 2104 and a historical note. These added provisions read as follows:

§ 20.2104 Statutory provisions; property within the United States.

SEC. 2104. *Property within the United States.* * * *

(c) *Debt obligations.* For purposes of this subchapter, debt obligations of—

(1) A United States person, or

(2) The United States, a State or any political subdivision thereof, or the District of Columbia,

owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States. With respect to estates of decedents dying after December 31, 1969, deposits with a domestic branch of a foreign corporation, if such branch is engaged in the commercial banking business, shall, for purposes of this subchapter, be deemed property within the United States. This subsection shall not apply to a debt obligation to which section 2105(b) applies or to a debt obligation of a domestic corporation if any interest on such obligation, were such interest received by the decedent at the time of his death, would be treated by reason of section 861(a)(1)(B) as income from sources without the United States.

[Sec. 2104 as amended by sec. 108(c), Foreign Investors Tax Act 1966 (80 Stat. 1572); sec. 435(b), Tax Reform Act 1969 (83 Stat. 625)]

PAR. 18. Section 20.2104–1 is amended by revising subparagraphs (3), (4), (5), and (6) of paragraph (a) and by adding new subparagraphs (7) and (8) at the end of such paragraph. These amended and added provisions read as follows:

§ 20.2104–1 Estates of nonresidents not citizens; property within the United States.

(a) *In general.* * * *

(3) In the case of an estate of a decedent dying before November 14, 1966, written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is physically located in the United States; except that this subparagraph shall not apply to obligations of the United States (but not its instrumentalities) issued before March 1, 1941, if the decedent was not engaged in business in the United States at the time of his death. See section 2106(c).

(4) Except as specifically provided otherwise in this section or in § 20.2105–1 (which specific exceptions, in the case of estates of decedents dying on or after November 14, 1966, cause this subparagraph to have relatively limited applicability), intangible personal property the written evidence of which is not treated as being the property itself, if it is issued by or enforceable against a resident of the United States or a domestic corporation or governmental unit.

(5) Shares of stock issued by a domestic corporation, irrespective of the location of the certificates (see, however, paragraph (i) of § 20.2105–1 for a special rule with respect to certain withdrawable accounts in savings and loan or similar associations).

(6) In the case of an estate of a decedent dying before November 14, 1966, moneys deposited in the United States by or for the decedent with any person carrying on the banking business, if the decedent was engaged in business in the United States at the time of his death.

(7) In the case of an estate of a decedent dying on or after November 14, 1966, except as specifically provided otherwise in paragraph (d), (i), (j), or (l) of § 20.2105–1, any debt obligation, including a bank deposit, the primary obligor of which is—

(i) A United States person (as defined in section 7701(a)(30)), or

(ii) The United States, a State or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any such government.

This subparagraph applies irrespective of whether the written evidence of the debt obligation is treated as being the property itself or whether the decedent was engaged in business in the United States at the time of his death. For purposes of this subparagraph and paragraphs (k) and (l) of § 20.2105–1, a debt obligation on which there are two or more primary obligors shall be apportioned among such obligors, taking into account to the extent appropriate under all the facts and circumstances any choate or inchoate rights of contribution existing among such obligors with respect to the indebtedness. The term "agency or instrumentality", as used in subdivision (ii) of this subparagraph, does not include a possession of the United States or an agency or instrumentality of a possession. Currency is not a debt obligation for purposes of this subparagraph.

(8) In the case of an estate of a decedent dying on or after January 1, 1970, except as specifically provided otherwise in paragraph (i) or (l) of § 20.2105–1, deposits with a branch in the United States of a foreign corporation, if the branch is engaged in the com-

mercial banking business, whether or not the decedent was engaged in business in the United States at the time of his death.

* * * * *

PAR. 19. Section 20.2105 is amended by revising section 2105(b) and adding a historical note. These amended and added provisions read as follows:

§ 20.2105 Statutory provisions; property without the United States.

SEC. 2105. *Property without the United States.* * * *

(b) *Certain bank deposits, etc.* For purposes of this subchapter—

(1) Amounts described in section 861(c) if any interest thereon, were such interest received by the decedent at the time of his death, would be treated by reason of section 861(a)(1)(A) as income from sources without the United States, and

(2) Deposits with a foreign branch of a domestic corporation or domestic partnership, if such branch is engaged in the commercial banking business,

shall not be deemed property within the United States.

* * * * *

[Sec. 2105 as amended by sec. 108(d), Foreign Investors Tax Act 1966 (80 Stat. 1572)]

PAR. 20. Section 20.2105–1 is amended by revising paragraphs (c) and (h) and by adding new paragraphs (i), (j), (k), and (l). These amended and added provisions read as follows:

§ 20.2105–1 Estates of nonresidents not citizens; property without the United States.

* * * * *

(c) In the case of an estate of a decedent dying before November 14, 1966, written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is not physically located in the United States.

* * * * *

(h) In the case of an estate of a decedent dying before November 14, 1966, moneys deposited in the United States by or for the decedent with any person carrying on the banking business, if the decedent was not engaged in business in the United States at the time of his death.

(i) In the case of an estate of a decedent dying on or after November 14, 1966, and before January 1, 1976, any amount deposited in the United States which is described in section 861(c) (relating to certain bank deposits, withdrawable accounts, and amounts held by an insurance company under an agreement to pay interest), if any interest thereon, were such interest received by the decedent at the time of his death, would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(A) (relating to interest on amounts described in section 861(c) which is not effectively connected with the conduct of a trade or business within the United States) and the regulations thereunder. If such interest would be treated by reason of those provisions as income from sources without the United States only in part, the amount described in section 861(c) shall be considered situated outside the United States in the same proportion as the part of the interest which would be treated as income from sources without the United States bears to the total amount of the interest. This paragraph applies whether or not the decedent was engaged in business in the United States at the time of his death, and, except with respect to amounts described in section 861(c)(3) (relating to amounts held by an insurance company under an agreement to pay interest), whether or not the deposit or other amount is in fact interest-bearing.

(j) In the case of an estate of a decedent dying on or after November 14, 1966, deposits with a branch outside of the United States of a domestic corporation or domestic partnership, if the branch is engaged in the commercial banking business. This paragraph applies whether or not the decedent was engaged in business in the United States at the time of his death, and whether or not the deposits, upon withdrawal, are payable in currency of the United States.

(k) In the case of an estate of a decedent dying on or after November 14, 1966, except as specifically provided otherwise in paragraph (a)(8) of § 20.2104–1 with respect to estates of decedents dying on or after January 1, 1970, any debt obligation, including a bank deposit, the primary obligor of which is neither—

(1) A United States person (as defined in section 7701(a)(30)), nor

(2) The United States, a State or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any such government.

This paragraph applies irrespective of whether the written evidence of the debt obligation is treated as being the property itself or whether the decedent was engaged in business in the United States at the time of his death. See paragraph (a)(7) of § 20.2104–1 for the treatment of a debt obligation on which there are two or more primary obligors. The term "agency or instrumentality," as used in subparagraph (2) of this paragraph, does not include a possession of the United States or an agency or instrumentality of a possession. Currency is not a debt obligation for purposes of this paragraph.

(l) In the case of an estate of a decedent dying on or after November 14, 1966, any debt obligation to the extent that the primary obligor on the debt obligation is a domestic corporation, if any interest thereon, were the interest received from such obligor by the decedent at the time of his death, would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(B) (relating to interest received from a domestic corporation less than 20 percent of whose gross income for a 3-year period was derived from sources within the United States) and the regulations thereunder. For such purposes the 3-year period referred to in section 861(a)(1)(B) is the period of 3 years ending with the close of the domestic corporation's last taxable year terminating before the decedent's death. This paragraph applies whether or not (1) the obligation is in fact interest-bearing, (2) the written evidence of the debt obligation is treated as being the property itself, or (3) the decedent was engaged in business in the United States at the time of his death. See paragraph (a)(7) of § 20.2104–1 for the treatment of a debt obligation on which there are two or more primary obligors.

PAR. 21. Section 20.2106–1 is amended by revising that part of paragraph (a) which precedes subparagraph (1), paragraph (a)(3), and paragraph (c) to read as follows:

§ 20.2106–1 Estates of nonresidents not citizens; taxable estate; deductions in general.

(a) The taxable estate of a nonresident who was not a citizen of the United States at the time of his death is determined by adding the value of that part of his gross estate which, at the time of his death, is situated in the United States and, in the case of an estate to which section 2107 (relating to expatriation to avoid tax) applies, any amounts includible in his gross estate under section 2107(b), and then subtracting from the sum thereof the total amount of the following deductions:

* * * * *

(3) (i) In the case of a decedent who is considered under the provisions of section 2209 to be a "nonresident not a citizen of the United States", an exemption which is the greater of—

(*a*) (*1*) $30,000 if the decedent died on or after November 14, 1966, or (*2*) $2,000 if the decedent died after September 14, 1960, and before November 14, 1966; or

(*b*) That proportion of $60,000 (the exemption authorized by section 2052) which the value of that part of the decedent's gross estate which is situated in the United States at the time of his death bears to the value of the decedent's entire gross estate wherever situated.

(ii) In the case of every other decedent who was a nonresident not a citizen of the United States at the time of his death, an exemption in the amount of—

(*a*) $30,000 if the decedent died on or after November 14, 1966, and the estate tax treatment of his estate is not subject to a Presidential proclamation made pursuant to a section 2108(a) (relating to the application of pre-1967 estate tax provisions in the case of a foreign country which imposes a more burdensome tax than the United States), or

(*b*) $2,000 if the decedent died before November 14, 1966, or the estate tax treatment of his estate is subject to such a proclamation,

unless a death tax convention provides for another amount, such as a prorated

exemption similar to that described in subdivision (i)(*b*) of this subparagraph.

* * * * *

(c)(1) The exemption described in paragraph (a)(3)(i) of this section may be illustrated by the following example:

Example. The decedent, who died on January 15, 1967, is considered by reason of the provisions of section 2209 to be a nonresident not a citizen of the United States. He was a resident of the Virgin Islands, and his entire gross estate wherever situated included real property valued at $30,000 which was situated in the Virgin Islands and shares of stock issued by domestic corporations, valued at $45,000. Under §§ 20.2104–1 and 20.2105–1 only the shares of stock are considered to be situated in the United States. The amount described in paragraph (a)(3)(i)(*b*) of this section is $36,000, computed as follows:

$$\frac{\$45{,}000 \text{ (value of property in United States)}}{\$75{,}000 \text{ (value of entire gross estate wherever situated)}} \times \$60{,}000 = \$36{,}000.$$

Since the amount so computed exceeds $30,000 (the amount specified in paragraph (a)(3)(i)(*a*) of this section), the exemption to be allowed the decedent's estate is $36,000.

(2) In connection with the provisions of section 2106(c), see paragraph (a)(3) and (7) of § 20.2104–1 and paragraph (d) of § 20.2105–1.

PAR. 22. Section 20.2106–2 is amended by revising that part of paragraph (a) which follows subparagraph (1), and paragraph (c), to read as follows:

§ 20.2106–2 Estates of nonresidents not citizens; deductions for expenses, losses, etc.

(a) * * *

(2) That proportion of other deductions under sections 2053 and 2054 is allowed which the value of that part of the decedent's gross estate situated in the United States at the time of his death bears to the value of the decedent's entire gross estate wherever situated. It is immaterial whether the amounts to be deducted were incurred or expended within or without the United States. For purposes of this subparagraph, an amount which is includible in the decedent's gross estate under section 2107(b) with respect to stock in a foreign corporation shall be included in the value of the decedent's gross estate situated in the United States.

No deduction is allowed under this paragraph unless the value of the decedent's entire gross estate is disclosed in the estate tax return. See paragraph (b) of § 20.2106–1.

* * * * *

(c) The application of this section and of § 20.2106–1 may be illustrated by the following examples:

Example (1). The decedent died on June 1, 1967, a nonresident not a citizen of the United States. He was not an expatriate to whom section 2107(a) applies, and the estate tax treatment of his estate is not subject to a presidential proclamation made pursuant to section 2108(a). His gross estate wherever situated amounts to $1 million, of which $200,000 (or 20 percent) represents the value of the property having its situs within the United States. The funeral expenses, administration expenses, and claims against the estate aggregate $175,000, and there are charitable bequests, for use within the United States, amounting to $25,000. The decedent's taxable estate is determined as follows:

That part of the entire gross estate situated in the United States	$200,000
Deductions for expenses and claims (20 percent of $175,000)	35,000
Charitable deduction	25,000
Exemption	30,000
Total	90,000
Taxable estate	110,000

For the manner of computing the tax on the taxable estate, see § 20.2101–1.

Example (2). Assume the same facts as those given in example (1) except that the decedent was an expatriate to whom section 2107(a) applies and that the part of his property not situated in the United States includes shares of stock issued by a foreign corporation with respect to which $300,000 is included in his gross estate under section 2107(b). Thus, the value of that part of the gross estate situated in the United States equals $500,000 (or 50 percent of $1 million). In this case, the decedent's taxable estate is determined as follows:

That part of the entire gross estate situated in the United States	$200,000
Amount included in gross estate under section 2107(b) and deemed situated in the United States	300,000
Total	500,000
Deductions for expenses and claims (50 percent of $175,000)	87,500
Charitable deduction	25,000
Exemption	30,000
Total	142,500
Taxable estate	357,500

For the manner of computing the tax on the taxable estate, see § 20.2107–1.

PAR. 23. Immediately after § 20.2106–2 the following new sections are inserted:

§ 20.2107 Statutory provisions; expatriation to avoid tax.

SEC. 2107. *Expatriation to avoid tax*—(a) *Rate of tax.* A tax computed in accordance with the table contained in section 2001 is hereby imposed on the transfer of the taxable estate, determined as provided in section 2106, of every decedent nonresident not a citizen of the United States dying after the date of enactment of this section, if after March 8, 1965, and within the 10-year period ending with the date of death such decedent lost U.S. citizenship, unless such loss did not have for one of its principal purposes the avoidance of taxes under this subtitle or subtitle A.

(b) *Gross estate.* For purposes of the tax imposed by subsection (a), the value of the gross estate of every decedent to whom subsection (a) applies shall be determined as provided in section 2103, except that—

(1) If such decedent owned (within the meaning of section 958(a)) at the time of his death 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation, and

(2) If such decedent owned (within the meaning of section 958(a)), or is considered to have owned (by applying the ownership rules of section 958(b)), at the time of his death, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of such foreign corporation,

then that proportion of the fair market value of the stock of such foreign corporation owned (within the meaning of section 958(a)) by such decedent at the time of his death, which the fair market value of any assets owned by such foreign corporation and situated in the United States, at the time of his death, bears to the total fair market value of all assets owned by such foreign corporation at the time of his death, shall be included in the gross estate of such decedent. For purposes of the preceding sentence, a decedent shall be treated as owning stock of a foreign corporation at the time of his death if, at the time of a transfer, by trust or otherwise, within the meaning of sections 2035 to 2038, inclusive, he owned such stock.

(c) *Credits.* The tax imposed by subsection (a) shall be credited with the amounts determined in accordance with section 2102.

(d) *Exception for loss of citizenship for certain causes.* Subsection (a) shall not apply to the transfer of the estate of a decedent whose loss of U.S. citizenship resulted from the application of section 301(b), 350, or 355 of the Immigration and Nationality Act, as amended (8 U.S.C. 1401(b), 1482, or 1487).

(e) *Burden of proof.* If the Secretary or his delegate establishes that it is reasonable to believe that an individual's loss of U.S. citizenship would, but for this section, result in a substantial reduction in the estate, inheritance, legacy, and succession taxes in respect of the transfer of his estate, the burden of proving that such loss of citizenship did not have for one of its principal purposes the avoidance of taxes under this subtitle or subtitle A shall be on the executor of such individual's estate.

[Sec. 2107 as added by sec. 108(f), Foreign Investors Tax Act 1966 (80 Stat. 1573)]

§ 20.2107–1 Expatriation to avoid tax.

(a) *Rate of tax.* The tax imposed by section 2107(a) on the transfer of the taxable estates of certain nonresident expatriate decedents who were formerly citizens of the United States is computed in accordance with the table contained in section 2001, relating to the rate of the tax imposed on the transfer of the taxable estates of decedents who were citizens or residents of the United States. Except for any amounts included in the gross estate solely by reason of section 2107(b) and paragraph (b)(1)(ii) and (iii) of this section, the value of the taxable estate to be used in this computation is determined as provided in section 2106 and § 20.2106–1. The decedents to which section 2107(a) and this section apply are described in paragraph (d) of this section.

(b) *Gross estate*—(1) *Determination of value*—(i) *General rule.* Except as provided in subdivision (ii) of this subparagraph with respect to stock in certain foreign corporations, for purposes of the tax imposed by section 2107(a) the value of the gross estate of every estate the transfer of which is subject to the

tax imposed by that section is determined as provided in section 2103 and § 20.2103–1.

(ii) *Amount includible with respect to stock in certain foreign corporations.* If at the time of his death a nonresident expatriate decedent the transfer of whose estate is subject to the tax imposed by section 2107(a)—

(*a*) Owned (within the meaning of section 958(a) and the regulations thereunder) 10 percent or more of the total combined voting power of all classes of stock entitled to vote in a foreign corporation, and

(*b*) Owned (within the meaning of section 958(a) and the regulations thereunder), or is considered to have owned (by applying the ownership rules of section 958(b) and the regulations thereunder), more than 50 percent of the total combined voting power of all classes of stock entitled to vote in such foreign corporation,

then section 2107(b) requires the inclusion in the decedent's gross estate, in addition to amounts otherwise includible therein under subdivision (i) of this subparagraph, of an amount equal to that proportion of the fair market value (determined at the time of the decedent's death or, if so elected by the executor of the decedent's estate, on the alternate valuation date as provided in section 2032) of the stock in such foreign corporation owned (within the meaning of section 958(a) and the regulations thereunder) by the decedent at the time of his death, which the fair market value of any assets owned by such foreign corporation and situated in the United States, at the time of his death, bears to the total fair market value of all assets owned by such foreign corporation at the time of his death.

(iii) *Rules of application.* (*a*) In determining the proportion of the fair market value of the stock which is includible in the gross estate under subdivision (ii) of this subparagraph, the fair market value of the foreign corporation's assets situated in the United States and of its total assets shall be determined without reduction for any outstanding liabilities of the corporation.

(*b*) For purposes of subdivision (ii) of this subparagraph, the foreign corporation's assets which are situated in the United States shall be all its property which, by applying the provisions of sections 2104, 2105, and §§ 20.2104–1 and 20.2105–1, would be considered to be situated in the United States if such property were property of a nonresident who was not a citizen of the United States.

(*c*) For purposes of subdivision (ii) (*a*) of this subparagraph, a decedent is treated as owning stock in a foreign corporation at the time of his death to the extent he owned (within the meaning of section 958(a) and the regulations thereunder) the stock at the time he made a transfer of the stock in a transfer described in sections 2035 to 2038, inclusive (relating respectively to transfers made in contemplation of death, transfers with a retained life estate, transfers taking effect at death, and revocable transfers). For purposes of subdivision (ii) (*b*) of this subparagraph, a decedent is treated as owning stock in a foreign corporation at the time of his death to the extent he owned (within the meaning of section 958(a) and the regulations thereunder), or is considered to have owned (by applying the ownership rules of section 958(b) and the regulations thereunder), the stock at the time he made a transfer of the stock in a transfer described in sections 2035 to 2038, inclusive. In applying the proportion rule of section 2107(b) and subdivision (ii) of this subparagraph where a decedent is treated as owning stock in a foreign corporation at the time of his death by reason of having transferred his interest in such stock in a transfer described in sections 2035 to 2038, inclusive, the proportionate value of the interest includible in his gross estate is based upon the value as of the applicable valuation date described in section 2031 or 2032 of the amount, determined as of the date of transfer, of his interest in the stock. See example (2) in subparagraph (2) of this paragraph.

(*d*) For purposes of applying subdivision (ii) (*b*) of this subparagraph, the same shares of stock may not be counted more than once. See example (2) in subparagraph (2) of this paragraph.

(*e*) The principles applied in paragraph (b) of § 1.957–1 of this chapter (Income Tax Regulations) for determining what constitutes total combined voting power of all classes of stock entitled to vote in a foreign corporation for purposes of section 957(a) shall be applied in determining what constitutes total combined voting power of all classes of stock entitled to vote in a foreign corporation for purposes of section 2107 (b) and subdivision (ii) of this subparagraph. In applying such principles under this paragraph changes in language shall be made, where necessary, in order to treat the nonresident expatriate decedent, rather than U.S. shareholders, as owning such total combined voting power.

(2) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). (a) At the time of his death, H, a nonresident expatriate decedent the transfer of whose estate is subject to the tax imposed by section 2107(a), owned a 60-percent interest in M Company, a foreign partnership, which in turn owned stock issued by N Corporation, a foreign corporation. The stock in N Corporation held by M Company, which constituted 50 percent of the total combined voting power of all classes of stock entitled to vote in N Corporation, was valued at $50,000 at the time of H's death. In addition, W, H's wife, also a nonresident not a citizen of the United States, owned at the time of H's death stock in N Corporation constituting 25 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The fair market value of the assets of N Corporation which, at the time of H's death, were situated in the United States constituted 40 percent of the fair market value of all assets of that corporation. It is assumed for purposes of this example that the executor of H's estate has not elected to value the estate on the alternate valuation date provided in section 2032.

(b) The test contained in subparagraph (1) (ii) (*a*) of this paragraph is met since at the time of his death H indirectly owned (within the meaning of section 958(a) and the regulations thereunder) 30 percent (60 percent of 50 percent) of the total combined voting power of all classes of stock entitled to vote in N Corporation; and the test contained in subparagraph (1) (ii) (*b*) of this paragraph is met since at such time H owned or is considered to have owned (within the meaning of section 958 (a) and (b) and the regulations thereunder) 55 percent of the total combined voting power of all classes of stock entitled to vote in N Corporation (having constructive ownership of his wife's 25 percent, in addition to his own indirect ownership of 30 percent, of the total combined voting power). Accordingly, $12,000 is included in H's gross estate by reason of section 2107(b) and this paragraph. This $12,000 is the amount which is equal to 40 percent (the percentage of the fair market value of N Corporation's asset which were situated within the United States at H's death) of $30,000 (the fair market value of the stock then owned by H within the meaning of section 958(a) and the regulations thereunder, *i.e.*, H's 60-percent interest in the $50,000 fair market value of stock held by M Company).

Example (2). (a) Assume the same facts as those given in example (1) except that H made a transfer to W in contemplation of his death (within the meaning of section 2035) of his 60-percent interest in M Company, that on the date of the transfer M Company held stock in N Corporation constituting 80 percent of the total combined voting power of all classes of stock entitled to vote in that corporation (rather than the 50 percent of total combined voting power held by M Company on the date of H's death), and that the 80 percent of total combined voting power owned by M Company on the date of the transfer is valued at $70,000 on that date and at $85,000 at the time of H's death. It is assumed for purposes of this example that the 60-percent interest in M Company was held by W at the time of H's death.

(b) The test contained in subparagraph (1) (ii) (*a*) of this paragraph is met since, under subparagraph (1) (iii) (*c*) of this paragraph, H is treated as owning (within the meaning of section 958(a) and the regulations thereunder), at the time of his death, the 48 percent (60 percent of 80 percent) of the total combined voting power of all classes of stock entitled to vote in N Corporation represented by his transferred interest in M Company; and the test contained in subparagraph (1) (ii) (*b*) of this paragraph is met since, under that subparagraph and subparagraph (1) (iii) (*c*) of this paragraph, H is treated as owning (within the meaning of section 958 (a) or (b)), at the time of his death, 73 percent (48 percent plus 25 percent) of the total combined voting power of all classes of stock entitled to vote in N Corporation. Accordingly, $20,400 is included in H's gross estate by reason of section 2107 (b) and this paragraph. This $20,400 is the amount which is equal to 40 percent (the percentage of the fair market value of N Corporation's assets which were situated within the United States at H's death) of $51,000 (the fair market value at the time of H's death of the transferred interest which under subparagraph (1) (iii) (*c*) of this paragraph H is considered to own within the meaning of section 958(a) and the regulations thereunder at that time, *i.e.*, the 60-percent interest in the $85,000 fair market value at

that time of the 80-percent total combined voting power held by M Company on the date of transfer).

(c) The fact that the stock in N Corporation owned by M Company is considered under subparagraph (1)(ii)(*b*) of this paragraph to be owned by H for two independent reasons (i.e., under section 958(a) and the regulations thereunder, because H transferred his 60-percent interest in M Company to W in contemplation of death, and under section 958(b) and the regulations thereunder, because H is considered to own the stock in N Corporation indirectly owned by his wife, W, by reason of her ownership of such transferred interest) does not cause the shares of stock represented by the transferred interest in M Company to be counted twice in determining whether the test contained in that subparagraph is met. See subparagraph (1)(iii)(*d*) of this paragraph.

Example (3). (a) At the time of his death, H, a nonresident expatriate decedent the transfer of whose estate is subject to the tax imposed by section 2107(a), owned a 40-percent beneficial interest in a domestic trust; at that time he also directly owned stock in P Corporation, a foreign corporation, constituting 15 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The trust owned stock in P Corporation constituting 51 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The stock in P Corporation owned directly by H was valued at $20,000 on the alternate valuation date determined pursuant to an election under section 2032. The fair market value of the assets of P Corporation which, at the time of H's death, were situated in the United States constituted 20 percent of the fair market value of all assets of that corporation.

(b) By reason of section 958(b)(2) and the regulations thereunder, the trust is considered to own all the stock entitled to vote in P Corporation since it owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The test contained in subparagraph (1)(ii)(*a*) of this paragraph is met since at the time of his death H owned (within the meaning of section 958(a) and the regulations thereunder) 15 percent of the total combined voting power of all classes of stock entitled to vote in P Corporation; the stock in P Corporation owned by the trust is not considered to have been owned by H under section 958(a)(2) since the trust is not a foreign trust. In addition, the test contained in subparagraph (1)(ii)(*b*) of this paragraph is met since at the time of his death H owned or is considered to have owned (within the meaning of section 958 (a) and (b) and the regulations thereunder) 55 percent of the total combined voting power of all classes of stock entitled to vote in that corporation (his 15 percent directly owned plus his 40 percent (40 percent of 100 percent) considered to be owned). Accordingly, $4,000 is included in H's gross estate by reason of section 2107(b) and this paragraph. This $4,000 is the amount which is equal to 20 percent (the percentage of the fair market value of P Corporation's assets which were situated within the United States at H's death) of $20,000 (the fair market value of the stock then owned by H within the meaning of section 958(a) and the regulations thereunder). In addition, the value of H's interest in the domestic trust is included in his gross estate under section 2103 to the extent it constitutes property having a situs in the United States.

(c) *Credits.* Credits against the tax imposed by section 2107(a) are allowed for any amounts determined in accordance with section 2102 and § 20.2102–1 (relating to credits against the estate tax for State death taxes, gift tax, and tax on prior transfers). In computing the special limitation on the credit for State death taxes contained in section 2102(b) and paragraph (b) of § 20.2102–1, amounts included in the gross estate under section 2107(b) and paragraph (b)(1) of this section are to be taken into account.

(d) *Decedents to whom the tax imposed by section 2107(a) applies*—(1) *General rule.* The tax imposed by section 2107(a) applies to the transfer of the taxable estate of every decedent nonresident not a citizen of the United States dying on or after November 14, 1966, who lost his U.S. citizenship after March 8, 1965, and within the 10-year period ending with the date of his death, except in the case of the estate of a decedent whose loss of U.S. citizenship either—

(i) Resulted from the application of section 301(b), 350, or 355 of the Immigration and Nationality Act, as amended (8 U.S.C. 1401(b), 1482, or 1487); or

(ii) Did not have for one of its principal purposes (but not necessarily its only principal purpose) the avoidance of Federal income, estate, or gift tax.

Section 301(b) of the Immigration and Nationality Act provides generally that a U.S. citizen, who is born outside the United States of parents one of whom is an alien and the other is a U.S. citizen who was physically present in the United States for a specified period, shall lose his U.S. citizenship if, within a specified period preceding the age of 28 years, he fails to be continuously physically present in the United States for at least 5 years. Section 350 of that Act provides that under certain circumstances a person, who at birth acquired the nationality of the United States and of a foreign country and who has voluntarily sought or claimed benefits of the nationality of any foreign country, shall lose his U.S. nationality if, after attaining the age of 22 years, he has a continuous residence for 3 years in the foreign country of which he is a national by birth. Section 355 of that Act provides that a person having U.S. nationality, who is under 21 years of age and whose residence is in a foreign country with or under the legal custody of a parent who loses his U.S. nationality under specified circumstances, shall lose his U.S. nationality if he has or acquires the nationality of that foreign country and attains the age of 25 years without having established his residence in the United States. Section 2107 and this section do not apply to the transfer of any estate the estate tax treatment of which is subject to a Presidential proclamation made pursuant to section 2108(a) (relating to the application of pre-1967 estate tax provisions in the case of a foreign country which imposes a more burdensome tax than the United States).

(2) *Burden of proof*—(i) *General rule.* In determining for purposes of subparagraph (1)(ii) of this paragraph whether a principal purpose for the loss of U.S. citizenship by a decedent was the avoidance of Federal income, estate, or gift tax, the Commissioner must first establish that it is reasonable to believe that the decedent's loss of U.S. citizenship would, but for section 2107 and this section, result in a substantial reduction in the sum of (*a*) the Federal estate tax and (*b*) all estate, inheritance, legacy, and succession taxes imposed by foreign countries and political subdivisions thereof, in respect of the transfer of the decedent's estate. Once the Commissioner has so established, the burden of proving that the loss of citizenship by the decedent did not have for one of its principal purposes the avoidance of Federal income, estate, or gift tax shall be on the executor of the decedent's estate.

(ii) *Tentative determination of substantial reduction in Federal and foreign death taxes.* In the absence of complete factual information, the Commissioner may make a tentative determination, based on the information available, that the decedent's loss of U.S. citizenship would, but for section 2107 and this section, result in a substantial reduction in the sum of the Federal and foreign death taxes described in subdivision (i) (*a*) and (*b*) of this subparagraph. This tentative determination may be based upon the fact that the laws of the foreign country of which the decedent became a citizen and the laws of the foreign country of which the decedent was a resident at the time of his death, including the laws of any political subdivisions of those foreign countries, would ordinarily result, in the case of an estate of a nonexpatriate decedent having the same citizenship and residence as the decedent, in liability for total death taxes under such laws substantially lower than the amount of the Federal estate tax which would be imposed on the transfer of a comparable estate of a citizen of the United States. In the absence of a preponderance of evidence to the contrary, this tentative determination shall be sufficient to establish that it is reasonable to believe that the decedent's loss of U.S. citizenship would, but for section 2107 and this section, result in a substantial reduction in the sum of the Federal and foreign death taxes described in subdivision (i) (*a*) and (*b*) of this subparagraph.

§ 20.2108 Statutory provisions; application of pre-1967 estate tax provisions.

SEC. 2108. *Application of pre-1967 estate tax provisions*—(a) *Imposition of more burdensome tax by foreign country.* Whenever the President finds that—

(1) Under the laws of any foreign country, considering the tax system of such foreign country, a more burdensome tax is imposed by such foreign country on the transfer of estates of decedents who were citizens of the United States and not residents of such foreign country than the tax imposed by this subchapter on the transfer of estates of decedents who were residents of such foreign country,

(2) Such foreign country, when requested by the United States to do so, has not acted

to revise or reduce such tax so that it is no more burdensome than the tax imposed by this subchapter on the transfer of estates of decedents who were residents of such foreign country, and

(3) It is in the public interest to apply pre-1967 tax provisions in accordance with this section to the transfer of estates of decedents who were residents of such foreign country.

the President shall proclaim that the tax on the transfer of the estate of every decedent who was a resident of such foreign country at the time of his death shall, in the case of decedents dying after the date of such proclamation, be determined under this subchapter without regard to amendments made to sections 2101 (relating to tax imposed), 2102 (relating to credits against tax), 2106 (relating to taxable estate), and 6018 (relating to estate tax returns) on or after the date of enactment of this section.

(b) *Alleviation of more burdensome tax.* Whenever the President finds that the laws of any foreign country with respect to which the President has made a proclamation under subsection (a) have been modified so that the tax on the transfer of estates of decedents who were citizens of the United States and not residents of such foreign country is no longer more burdensome than the tax imposed by this subchapter on the transfer of estates of decedents who were residents of such foreign country, he shall proclaim that the tax on the transfer of the estate of every decedent who was a resident of such foreign country at the time of his death shall, in the case of decedents dying after the date of such proclamation, be determined under this subchapter without regard to subsection (a).

(c) *Notification of Congress required.* No proclamation shall be issued by the President pursuant to this section unless, at least 30 days prior to such proclamation, he has notified the Senate and the House of Representatives of his intention to issue such proclamation.

(d) *Implementation by regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary or appropriate to implement this section.

[Sec. 2108 as added by sec. 108(f), Foreign Investors Tax Act 1966 (80 Stat. 1573)]

PAR. 24. Section 20.6018 is amended by revising section 6018(a)(2) and adding a historical note. These amended and added provisions read as follows:

§ 20.6018 Statutory provisions; estate tax returns.

SEC. 6018. *Estate tax returns*—(a) *Returns by executor.* * * *

(2) *Nonresidents not citizens of the United States.* In the case of the estate of every nonresident not a citizen of the United States if that part of the gross estate which is situated in the United States exceeds $30,000, the executor shall make a return with respect to the estate tax imposed by subtitle B.

* * * * *

[Sec. 6018 as amended by sec. 108(g), Foreign Investors Tax Act 1966 (80 Stat. 1574)]

PAR. 25. Section 20.6018-1 is amended by revising paragraph (b) to read as follows:

§ 20.6018-1 Returns.

* * * * *

(b) *Estates of nonresidents not citizens*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, a return must be filed on Form 706 or Form 706NA for the estate of every nonresident not a citizen of the United States if the value of that part of the gross estate situated in the United States on the date of his death exceeded $30,000 in the case of a decedent dying on or after November 14, 1966, or $2,000 in the case of a decedent dying before November 14, 1966. Under certain conditions the return may be made only on Form 706. See the instructions on Form 706NA for circumstances under which that form may not be used. Duplicate copies of the return are not required to be filed. For the contents of the return, see § 20.6018-3. For the determination of the gross estate situated in the United States, see §§ 20.2103-1 and 20.2104-1.

(2) *Certain estates of decedents dying on or after November 14, 1966.* In the case of an estate of a nonresident not a citizen of the United States dying on or after November 14, 1966—

(i) *Transfers subject to the tax imposed by section 2107(a).* If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts includible in the decedent's gross estate under section 2107(b) are to be added to the value on the date of his death of that part of his gross estate situated in the United States, for purposes of determining under subparagraph (1) of this paragraph whether his gross estate exceeded $30,000 on the date of his death.

(ii) *Transfers subject to a Presidential proclamation.* If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108(a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), the return must be filed on Form 706 or Form 706NA if the value on the date of the decedent's death of that part of his gross estate situated in the United States exceeded $2,000.

* * * * *

PAR. 26. Section 20.6018-3 is amended by revising paragraph (b) to read as follows:

§ 20.6018-3 Returns; contents of returns.

* * * * *

(b) *Nonresidents not citizens.* The return of an estate of a decedent who was not a citizen or resident of the United States at the time of his death must contain the following information: (1) An itemized list of that part of the gross estate situated in the United States (see §§ 20.2103-1 and 20.2104-1); (2) in the case of an estate the transfer of which is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), a list of any amounts with respect to stock in a foreign corporation which are includible in the gross estate under section 2107(b), together with an explanation of how the amounts were determined; (3) an itemized list of any deductions claimed (see §§ 20.2106-1 and 20.2106-2); (4) the amount of the taxable estate (see § 20.2106-1); and (5) the gross estate tax, reduced by any credits against the tax (see § 20.2102-1). For the disallowance of certain deductions if the return does not disclose that part of the gross estate not situated in the United States, see §§ 20.2106-1 and 20.2106-2.

* * * * *

PAR. 27. Section 20.6018-4 is amended by revising pargraph (c) to read as follows:

§ 20.6018-4 Returns; documents to accompany the return.

* * * * *

(c) In the case of an estate of a nonresident not a citizen of the United States, the executor must also file with the return, but only if deductions are claimed or the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), a copy of the inventory of property filed under the foreign death duty act; or, if no such inventory was filed, a certified copy of the inventory filed with the foreign court of probate jurisdiction.

* * * * *

PAR. 28. Section 20.6036-1 is amended by revising paragraph (a) to read as follows:

§ 20.6036-1 Notice of qualification as executor.

(a) *Preliminary notice for estates of decedents dying before January 1, 1971.* (1) A preliminary notice must be filed on Form 704 for the estate of every citizen or resident of the United States whose gross estate exceeded $60,000 in value on the date of his death.

(2) In the case of a nonresident not a citizen of the United States dying on or after November 14, 1966—

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, a preliminary notice must be filed on Form 705 if that part of the decedent's gross estate situated in the United States exceeded $30,000 in value on the date of his death (see §§ 20.2103-1 and 20.2104-1).

(ii) If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts includible in the decedent's gross estate under section 2107(b) are to be added to the value on the date of his death of that part of his gross estate situated in the United States, for purposes of determining under subdivision (i) of this subparagraph whether his gross estate exceeded $30,000 in value on the date of his death.

(iii) If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108(a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), a preliminary notice must be filed on Form 705 if the value on the date of the decedent's death of that part of his gross estate

situated in the United States exceeded $2,000.

(3) A preliminary notice must be filed on Form 705 for the estate of every nonresident not a citizen of the United States dying before November 14, 1966, if the value on the date of his death of that part of his gross estate situated in the United States exceeded $2,000.

(4) The value of the gross estate on the date of death governs with respect to the requirement for filing the preliminary notice irrespective of whether the value of the gross estate is, at the executor's election, finally determined pursuant to the provisions of section 2032 as of a date subsequent to the date of death. If there is doubt as to whether the gross estate exceeds $60,000, $30,000, or $2,000, as the case may be, the notice shall be filed as a matter of precaution in order to avoid the possibility of penalties attaching.

(5) The primary purpose of the preliminary notice is to advise the Internal Revenue Service of the existence of taxable estates, and filing shall not be delayed beyond the period provided for in § 20.6071–1 merely because of uncertainty as to the exact value of the assets. The estimate of the gross estate called for by the notice shall be the best approximation of value which can be made within the time allowed. Duplicate copies of the preliminary notice are not required to be filed.

(6) For criminal penalties for failure to file a notice and filing a false or fraudulent notice, see sections 7203, 7207, and 7269. See § 20.6091–1 for the place for filing the notice. See § 20.6071–1 for the time for filing the notice.

* * * * *

PAR. 29. Section 20.6325–1 is amended by revising paragraph (b) to read as follows:

§ 20.6325–1 Release of lien or partial discharge of property; transfer certificates in nonresident estates.

* * * * *

(b) (1) In the case of a nonresident not a citizen of the United States dying on or after November 14, 1966—

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of his death of that part of his gross estate situated in the United States did not exceed $30,000.

(ii) If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts which are includible in the decedent's gross estate under section 2107(b) are to be added to the value on the date of his death of that part of his gross estate situated in the United States, for purposes of determining under subdivision (i) of this subparagraph whether his gross estate did or did not exceed $30,000 in value on the date of his death.

(iii) If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108 (a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of his death of that part of his gross estate situated in the United States did not exceed $2,000.

(2) In the case of a nonresident not a citizen of the United States dying before November 14, 1966, a transfer certificate is not required with respect to the transfer of (i) any property of the decedent, if the value on the date of his death of that part of his gross estate situated in the United States did not exceed $2,000, or (ii) bonds owned by such a decedent if it is shown that the bonds were not physically situated in the United States at the time of his death.

(3) A corporation, transfer agent, bank, trust company, or other custodian will not incur liability for a transfer of the decedent's property without a transfer certificate if the corporation or other person, having no information to the contrary, first receives from the executor or other responsible person, who may be reasonably regarded as in possession of the pertinent facts, a statement of the facts relating to the estate showing that the sum of the value on the date of the decedent's death of that part of his gross estate situated in the United States, and, if applicable, any amounts includible in his gross estate under section 2107(b), is such an amount that, pursuant to the provisions of subparagraph (1) or subparagraph (2)(i) of this paragraph, a transfer certificate is not required.

(4) For the determination of the gross estate situated in the United States, see §§ 20.2103–1 and 20.2104–1.

* * * * *

B. Part 25 of 26 CFR Chapter I is amended as follows:

PAR. 30. Section 25.2501–1 is amended by revising paragraph (a) to read as follows:

§ 25.2501–1 Imposition of tax.

(a) *In general.* (1) The tax applies to all transfers by gift of property, wherever situated, by an individual who is a citizen or resident of the United States, to the extent the value of the transfers exceeds the amount of the exclusions authorized by section 2503 and the deductions authorized by sections 2521, 2522, and 2523. For the first calendar quarter of 1971 and each calendar quarter thereafter, the tax described in this subparagraph is imposed on the transfer of property by gift during such calendar quarter. For calendar years after 1954 and before 1971, the tax described in this subparagraph is imposed on the transfer of property by gift during such calendar year.

(2) The tax does not apply to a transfer by gift of intangible property before January 1, 1967, by a nonresident not a citizen of the United States, unless the donor was engaged in business in the United States during the calendar year in which the transfer was made.

(3) (i) The tax does not apply to any transfer by gift of intangible property on or after January 1, 1967, by a nonresident not a citizen of the United States (whether or not he was engaged in business in the United States), unless the donor is an expatriate who lost his U.S. citizenship after March 8, 1965, and within the 10-year period ending with the date of transfer, and the loss of citizenship—

(*a*) Did not result from the application of section 301(b), 350, or 355 of the Immigration and Nationality Act, as amended (8 U.S.C. 1401(b), 1482, or 1487) (For a summary of these sections, see paragraph (d)(1) of § 20.2107–1 of this chapter (estate tax regulations)), and

(*b*) Had for one of its principal purposes (but not necessarily its only principal purpose) the avoidance of Federal income, estate, or gift tax.

(ii) In determining for purposes of subdivision (i)(*b*) of this subparagraph whether a principal purpose for the loss of U.S. citizenship by a donor was the avoidance of Federal income, estate, or gift tax, the Commissioner must first establish that it is reasonable to believe that the donor's loss of U.S. citizenship would, but for section 2501(a)(3) and this subparagraph, result in a substantial reduction for the calendar quarter in the sum of (*a*) the Federal gift tax and (*b*) all gift taxes imposed by foreign countries and political subdivisions thereof, in respect of the transfer of property by gift. Once the Commissioner has so established, the burden of proving that the loss of citizenship by the donor did not have for one of its principal purposes the avoidance of Federal income, estate, or gift tax shall be on the donor. In the absence of complete factual information, the Commissioner may make a tentative determination, based on the information available, that the donor's loss of U.S. citizenship would, but for section 2501(a)(3) and this subparagraph, result in a substantial reduction for the calendar quarter in the sum of the Federal and foreign gift taxes described in (*a*) and (*b*) of this subdivision on the transfer of property by gift. This tentative determination may be based upon the fact that the laws of the foreign country of which the donor became a citizen and the laws of the foreign country of which the donor was a resident at the time of the transfer, including the laws of any political subdivision of those foreign countries, would ordinarily result, in the case of a nonexpatriate donor having the same citizenship and residence as the donor, in liability for total gift taxes under such laws for the calendar quarter substantially lower than the amount of the Federal gift tax which would be imposed for such quarter on an amount of comparable gifts by a citizen of the United States. In the absence of a preponderance of evidence to the contrary, this tentative determination shall be sufficient to establish that it is reasonable to believe that the donor's loss of U.S. citizenship would, but for section 2501(a)(3) and this subparagraph, result in a substantial reduction

for the calendar quarter in the sum of the Federal and foreign gift taxes described in (*a*) and (*b*) of this subdivision on the transfer of property by gift.

(iii) The term "calendar quarter", as used in subdivision (ii) of this subparagraph, shall be construed to mean "calendar year" in the case of gifts made during calendar years before 1971.

(4) For additional rules relating to the application of the tax to transfers by nonresidents not citizens of the United States, see section 2511 and § 25.2511–3.

* * * * *

PAR. 31. Section 25.2511 is amended by revising section 2511(b) and adding a historical note. These amended and added provisions read as follows:

§ 25.2511 Statutory provisions; transfers in general.

SEC. 2511. *Transfers in general.* * * *

(b) *Intangible property.* For purposes of this chapter, in the case of a nonresident not a citizen of the United States who is excepted from the application of section 2501(a)(2)—

(1) Shares of stock issued by a domestic corporation, and

(2) Debt obligations of—

(A) A United States person, or

(B) The United States, a State or any political subdivision thereof, or the District of Columbia,

which are owned and held by such nonresident shall be deemed to be property situated within the United States.

[Sec. 2511 as amended by sec. 109(b), Foreign Investors Tax Act 1966 (80 Stat. 1575)]

PAR. 32. Section 25.2511–1 is amended by revising paragraph (b) to read as follows:

§ 25.2511–1 Transfers in general.

* * * * *

(b) In the case of a gift by a nonresident not a citizen of the United States—

(1) If the gift was made on or after January 1, 1967, by a donor who was not an expatriate to whom section 2501(a)(2) was inapplicable on the date of the gift by reason of section 2501(a)(3) and paragraph (a)(3) of § 25.2501–1, or

(2) If the gift was made before January 1, 1967, by a donor who was not engaged in business in the United States during the calendar year in which the gift was made,

the gift tax applies only if the gift consisted of real property or tangible personal property situated within the United States at the time of the transfer. See §§ 25.2501–1 and 25.2511–3.

* * * * *

PAR. 33. Section 25.2511–3 is amended to read as follows:

§ 25.2511–3 Transfers by nonresidents not citizens.

(a) *In general.* Sections 2501 and 2511 contain rules relating to the taxation of transfers of property by gift by a donor who is a nonresident not a citizen of the United States. (See paragraph (b) of § 25.2501–1 for the definition of the term "resident" for purposes of the gift tax.) As combined these rules are:

(1) The gift tax applies only to the transfer of real property and tangible personal property situated in the United States at the time of the transfer if either—

(i) The gift was made on or after January 1, 1967, by a nonresident not a citizen of the United States who was not an expatriate to whom section 2501(a)(2) was inapplicable on the date of the gift by reason of section 2501(a)(3) and paragraph (a)(3) of § 25.2501–1, or

(ii) The gift was made before January 1, 1967, by a nonresident not a citizen of the United States who was not engaged in business in the United States during the calendar year in which the gift was made.

(2) The gift tax applies to the transfer of all property (whether real or personal, tangible or intangible) situated in the United States at the time of the transfer if either—

(i) The gift was made on or after January 1, 1967, by a nonresident not a citizen of the United States who was an expatriate to whom section 2501(a)(2) was inapplicable on the date of the gift by reason of section 2501(a)(3) and paragraph (a)(3) of § 25.2501–1, or

(ii) The gift was made before January 1, 1967, by a nonresident not a citizen of the United States who was engaged in business in the United States during the calendar year in which the gift was made.

(b) *Situs of property.* For purposes of applying the gift tax to the transfer of property owned and held by a nonresident not a citizen of the United States at the time of the transfer—

(1) *Real property and tangible personal property.* Real property and tangible personal property constitute property within the United States only if they are physically situated therein.

(2) *Intangible personal property.* Except as provided otherwise in subparagraphs (3) and (4) of this paragraph, intangible personal property constitutes property within the United States if it consists of a property right issued by or enforceable against a resident of the United States or a domestic corporation (public or private), irrespective of where the written evidence of the property is physically located at the time of the transfer.

(3) *Shares of stock.* Irrespective of where the stock certificates are physically located at the time of the transfer—

(i) Shares of stock issued by a domestic corporation constitute property within the United States, and

(ii) Shares of stock issued by a corporation which is not a domestic corporation constitute property situated outside the United States.

(4) *Debt obligations.* (i) In the case of gifts made on or after January 1, 1967, a debt obligation, including a bank deposit, the primary obligor of which is a United States person (as defined in section 7701(a)(30)), the United States, a State, or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any such government constitutes property situated within the United States. This subdivision applies—

(*a*) In the case of a debt obligation of a domestic corporation, whether or not any interest on the obligation would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(B) (relating to interest received from a domestic corporation less than 20 percent of whose gross income for a 3-year period was derived from sources within the United States) and the regulations thereunder;

(*b*) In the case of an amount described in section 861(c) (relating to certain bank deposits, withdrawable accounts, and amounts held by an insurance company under an agreement to pay interest), whether or not any interest thereon would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(A) (relating to interest on amounts described in section 861(c) which is not effectively connected with the conduct of a trade or business within the United States) and the regulations thereunder;

(*c*) In the case of a deposit with a domestic corporation or domestic partnership, whether or not the deposit is with a foreign branch thereof engaged in the commercial banking business; and

(*d*) Irrespective of where the written evidence of the debt obligation is physically located at the time of the transfer.

For purposes of this subdivision, a debt obligation on which there are two or more primary obligors shall be apportioned among such obligors, taking into account to the extent appropriate under all the facts and circumstances any choate or inchoate rights of contribution existing among such obligors with respect to the indebtedness. The term "agency or instrumentality", as used in this subdivision, does not include a possession of the United States or an agency or instrumentality of a possession.

(ii) In the case of gifts made on or after January 1, 1967, a debt obligation, including a bank deposit, not deemed under subdivision (i) of this subparagraph to be situated within the United States, constitutes property situated outside the United States.

(iii) In the case of gifts made before January 1, 1967, a debt obligation the written evidence of which is treated as being the property itself constitutes property situated within the United States if the written evidence of the obligation is physically located in the United States at the time of the transfer, irrespective of who is the primary obligor on the debt. If the written evidence of the obligation is physically located outside the United States, the debt obligation constitutes property situated outside the United States.

(iv) Currency is not a debt obligation for purposes of this subparagraph.

[FR Doc.73–26313 Filed 12–11–73;8:45 am]

SUBCHAPTER A—INCOME TAX

[T.D. 7295]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Election of LIFO Inventory Method

This document contains amendments to the Income Tax Regulations to give the Commissioner the authority to accept a taxpayer's election to adopt the LIFO inventory method where no Form 970 is filed by the taxpayer. The present regulations require that such inventory method may be adopted only if a properly completed Form 970 is attached to the taxpayer's income tax return.

Adoption of amendments to the Income Tax Regulations. The following amendments to the Income Tax Regulations (26 CFR Part 1) are hereby adopted:

PARAGRAPH 1. Paragraph (a) of § 1.472–3 is amended to read as follows:

§ 1.472–3 Time and manner of making election.

(a) The LIFO inventory method may be adopted and used only if the taxpayer files with his income tax return for the taxable year as of the close of which the method is first to be used a statement of his election to use such inventory method. The statement shall be made on Form 970 pursuant to the instructions printed with respect thereto and to the requirements of this section, or in such other manner as may be acceptable to the Commissioner. Such statement shall be accompanied by an analysis of all inventories of the taxpayer as of the beginning and as of the end of the taxable year for which the LIFO inventory method is proposed first to be used, and also as of the beginning of the prior taxable year. In the case of a manufacturer, this analysis shall show in detail the manner in which costs are computed with respect to raw materials, goods in process, and finished goods, segregating the products (whether in process or finished goods) into natural groups on the basis of either (1) similarity in factory processes through which they pass, or (2) similarity of raw materials used, or (3) similarity in style, shape, or use of finished products. Each group of products shall be clearly described.

* * * * *

Because this Treasury decision provides rules relating to administrative practice and procedure, it is found that it is unnecessary to issue the Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of such section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 7, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

[FR Doc.73-26312 Filed 12-11-73;8:45 am]

[T.D. 7293]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Imposition of Tax on Foreign Corporations; Return Requirements; Income Affected by Treaty; Correction

On November 28, 1973, Treasury Decision 7293 with respect to imposition of tax on foreign corporations; return requirements; income affected by treaty, appeared in the FEDERAL REGISTER (38 FR 32791; FR Doc. 73-25258 filed November 27, 1973; 8:45 a.m.). The following change should be made:

In line 10 of § 1.883–1(b) appearing at page 32799 of the above issue, insert after "Income on which—" the following, "any tax".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.73-26314 Filed 12-11-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 557-73]

PART 50—STATEMENTS OF POLICY

Designation of United States Magistrates as Special Masters

Under and by virtue of the authority vested in me by sections 509 and 516 of Title 28 of the United States Code, Part 50 of Title 28 of the Code of Federal Regulations is amended by adding at the end thereof the following new section:

§ 50.11 Policy with regard to designation of United States Magistrates as special masters.

(a) Many of the United States District Courts, either by rule or by specific designation, have delegated to United States Magistrates the supervision of discovery proceedings and the conduct of pretrial hearings in civil cases. Some of the District Courts, in addition, have, in the same fashion, designated Magistrates to sit as special masters and to conduct the trial of civil nonjury cases with instructions to report to the Court thereon. This is frequently accomplished also by urging the parties to agree to such a procedure.

(b) While section 636(b) of Title 28 authorizes Magistrates to assist in the conduct of pretrial and discovery proceedings, and to serve as special masters, Rule 53(b) of the Federal Rules of Civil Procedure provides that cases shall not be referred to a special master except in matters of account or of difficult computation of damages, or if some exceptional condition requires it. The Supreme Court has narrowly restricted the circumstances supporting a finding of an exceptional condition within the meaning of Rule 53(b). Neither calendar congestion nor complexity of the issues involved justifies reference of the case to a special master. It has held that references, in the absence of some exceptional condition, are not appropriate save in matters of account and the computation of damages and has approved enforcement of this rule when necessary by issuance of a writ of mandamus. *Labuy* v. *Howes Leather Co.*, 352 U.S. 249; *McCullough* v. *Cosgrave*, 309 U.S. 634; and *Los Angeles Brush Corp.* v. *James*, 272 U.S. 701. More recently the Court of Appeals for the Sixth Circuit has held that Section 636 does not authorize reference to a special master of cases involving review of determinations of the Secretary of Health, Education, and Welfare. *Ingram* v. *Richardson*, 471 F.2d 1268. Likewise, the Seventh Circuit by writ of mandamus has prevented a district judge from assigning a motion to dismiss under Section 636(b) to a Magistrate for ruling as being in violation of Article III of the Constitution because an assignment of that nature constitutes an abdication of judicial decision-making powers. *TPO, Incorporated* v. *McMillen*, 460 F.2d 348.

(c) It appears that there is an increasing use by district judges of special masters for purposes involving the abdication of judicial decision-making authority forbidden by the Constitution or in contravention of Rule 53(b). The Department of Justice should take a firm position in opposition to this practice. I therefore direct the legal Divisions of the Department not to agree to the designation of a Magistrate as a special master whenever they conclude that such designation would be in contravention of the Constitution or Rule 53(b).

In appropriate cases and in accordance with Departmental procedures, those Divisions should seek relief from appellate courts by application for a writ of mandamus or otherwise.

Dated: December 4, 1973.

ROBERT H. BORK,
Acting Attorney General.

[FR Doc.73-26289 Filed 12-11-73;8:45 am]

Title 32A—National Defense Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[OI REG. 1 (Rev. 5); Amdt. 62]

OIL IMPORT REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments

This amendment 62 amends section 9A and section 9B and adds section 25A to Oil Import Regulation 1 (Revision 5), as amended.

Section 9A. Section 9A is amended so that commencing with the second half of the 1973 allocation period the factor by which the hydrogen and carbon content of the exported eligible petrochemicals is divided to calculate the allocation of crude and unfinished oils under this section is reduced from 250 to 200. Under section 9A allocations are made based on the quantity of hydrocarbon incorporated into petrochemicals exported. In order to establish the quantity of allocation applicable, a density of 250 pounds per barrel has been used with the realization that an additional allocation of crude and unfinished oils was available to petrochemical producers under section 9. In that pursuant to recent proclamation changes allocations under section 9 are being phased out and in that allocations under section 9A are to continue, the density of 200 pounds per barrel has been adopted for section 9A to compensate for

the loss of allocations under section 9. The 200 pounds per barrel density corresponds to that used to calculate allocations under section 25A.

Also, section 9A is amended so that a person who holds an allocation of imports into Districts I–IV or District V for a particular allocation period under section 25A will receive under section 9A an allocation of imports of crude oil into Districts I–IV or District V based on exports of eligible petrochemicals.

Sec. 9B. This section is amended so that the hydrocarbon content of materials upon which an allocation is based under section 25A will not qualify as the basis for an allocation under section 9B. The amendment eliminates the receipt of two allocations (double dip) on the basis of the same inputs.

Sec. 25A. Proposed rulemaking for this section was published in the FEDERAL REGISTER on August 17, 1973 (38 FR 22237) and comments were requested by September 11, 1973.

Careful consideration was given to all comments on the proposal. A number of comments noted that the proposed regulation unreasonably relates the allocation earned only to the petrochemical output, disregarding energy byproducts and losses, whereas recently implemented section 25 is based on total refinery inputs. Comments also concerned themselves with converting the proposed section 25A into a continuing petrochemical program noting that the proposed section was an ineffectual alternative to the phase out of section 9B.

Careful consideration was given to the first comment and as a result the divisor used to calculate the allocation under proposed section 25A was reduced from 250 to 200 and the requirement that the allocation shall be computed at 75 percent of the calculated inputs has been eliminated. With these adjustments, section 25A provides allocations to new, expanded and reactivated petrochemical facilities which on the average amount to 75 percent of volume inputs, comparing favorably to those granted to new expanded and reactivated refinery capacity under recently implemented section 25.

In regard to converting the proposed section 25A into a continuing rather than a 5-year program, proposed section 25A was written to reflect sections 4 and 11 of Proclamation 3279, as amended, which provide for a reduction of the maximum levels of imports subject to allocation and license to which license fees shall not be applicable and empowers the Secretary notwithstanding the levels established in section 2 of the Proclamation to make allocations to which license fees shall not be applicable to new, expanded or reactivated refinery capacity and petrochemical plants for a period of five years from the date such facility comes onstream.

Additional comments noted that the proposed section provided no direct incentive to the expansion of olefin capacity and that such facilities should receive allocations on the basis of olefins produced. Consideration was given to these comments and it was decided, because of the disruption of existing petrochemical programs which would result from such action, the extensive use of olefins in the production of energy products as well as petrochemicals which would make difficult the detection of "double dips" (two allocations based on the same input), and the desire to keep administration of the program simple for both the government and industry by avoiding certification by the petrochemical producer to the olefin producer, that granting of allocations to the petrochemical producer as proposed would remain in the rulemaking.

Further comment indicated that the program as proposed is a crude oil program, a material which the petrochemical industry cannot use as a feedstock. In this regard one of the principal objectives of the recently revised oil import program is to encourage the construction of refinery capacity in the United States. A recent amendment of section 25 eliminated fee-exempt exports by refiners of unfinished oils under that section. In light of the dependence of the petrochemical industry on unfinished oils, the recognized deficit of refinery capacity in the United States and the objectives of the recently revised oil import program, section 25A under certain conditions allows the import of up to 100 percent of the allocation earned under it as unfinished oils, but provides for an annual reduction of that allowance until in 1980 fee-exempt imports of unfinished oils will be entirely eliminated.

One comment noted that the proposed section fails to provide allocations for petrochemicals when they are produced in one person's facility and are sold in impure form to another person who purifies them into petrochemicals. Careful consideration was given to this comment and in recognition of the substantial nature of such operations they have been included in the program by eliminating from the regulation the requirement that petrochemicals be produced by chemical reaction.

Consideration of the need for a uniform method of establishing a base capacity not only for the specific unit or "petrochemical capacity" being expanded but for all "petrochemical capacity" controlled by the applicant was recognized and a method has been included in section 25A. The need to establish a base capacity for all "petrochemical capacity" controlled by the applicant has been obviated by deleting the requirement in the proposed rulemaking that the Director shall reduce the inputs to the new, expanded, or reactivated "petrochemical capacity" by the same amount that inputs to the applicant's other "petrochemical capacity" were lowered.

It has also been noted that an onstream cut-off date beyond which new, expanded and reactivated "petrochemical capacity" would not be considered under the program was not included in the proposed section. Such a date has been established in the rulemaking as before January 1, 1972.

Lastly, the proposed rulemaking has been revised so that allocations will be made for periods of twelve months beginning January 1 for the 1973 allocation period. The regulation is written so that it can be readily amended to conform to Amendment 60 of Oil Import Regulation 1 (Revision 5), as amended, which provides that effective May 1, 1974, the allocation period for all allocations except allocations issued pursuant to sections 9A and 11A will be made for periods of twelve months beginning May 1 of each year.

This amendment shall become effective December 12, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

Approved: December 10, 1973.

WILLIAM E. SIMON,
Administrator,
Federal Energy Office.

Oil Import Regulation 1 (Revision 5), as amended, is amended as follows:

Sec. 9A [Amended]

Paragraph (b) of section 9A of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

(b) Subject to the provisions of this section a person who holds an allocation of imports into Districts I–IV or into District V for a particular allocation period under section 9 or section 25A of this regulation shall also be entitled to receive under this section 9A an allocation of imports of crude oil into Districts I–IV or into District V (as the case may be) based on his exports during the base period of eligible petrochemicals produced by him.

The second sentence of subparagraph (2) of paragraph (e) of section 9A of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Commencing with the second half of the 1973 allocation period, the weight thus ascertained shall be divided by 200; and the applicant shall receive an allocation of barrels of imports of crude and unfinished oils equal to the resulting quotient.

Paragraph (d) of section 9B of Oil Import Regulation 1 (Revision 5), as amended in its entirety to read as follows:

Sec. 9B—Allocations of Imports of Crude Oil and Unfinished Oils for Conversion of Heavy Liquid Feedstocks to Petrochemicals—Districts I–IV and District V.

* * * * *

(d) A person who receives an allocation under this section 9B may not receive an allocation pursuant to section 9 based on any feedstock stream processed in the person's heavy liquid plant or plants. The hydrocarbon content of materials upon which an allocation under section 9, section 9A, section 25, or section 25A of this regulation is based will not qualify as a basis for an allocation under this section 9B. Hydrocarbon materials upon which an allocation

under this section 9B is based will not qualify as a basis for an allocation under section 9, section 9A, section 25 or section 25A of this regulation. No hydrocarbon material upon which an allocation under this section 9B is based may serve as a basis for another allocation under this section 9B.

* * * * *

A new Section 25A is added.

Sec. 25A—Allocations of crude oil and unfinished oils—Districts I–IV, District V, and Puerto Rico—new, expanded or reactivated "petrochemical capacity" based upon estimated and actual inputs.

(a) (1) The Director may make allocations of imports of crude oil and unfinished oils with respect to new, expanded or reactivated "petrochemical capacity" as provided in this section. The plant additions and modifications which have resulted in the new expanded, or reactivated "petrochemical capacity" need not when taken independently meet the definition of "petrochemical capacity" as defined in paragraph (b) of this section: *Provided*, That such additions and modifications are an integral part of the facility that does qualify as "petrochemical capacity."

(2) A person seeking such an allocation must file an application in the form prescribed by the Director. The application shall disclose in detail such information as the Director may require, including—

(i) The nature of the facility.

(ii) The location of the facility.

(iii) The petrochemicals and the pounds of each petrochemical produced or to be produced.

(iv) The pounds of carbon and hydrogen in the petrochemicals produced from qualified "petrochemical capacity" inputs.

(v) The capital outlay involved.

(vi) The identification of each feedstock and the source thereof.

(vii) The date that the facility went onstream or is scheduled to go onstream.

(viii) Whether the application is for a new facility, an expansion, or reactivation.

(ix) Whether this facility will replace an existing facility which is to be or has been shut down.

(x) In the case of an expansion, the certified pounds of each petrochemical produced for the last three years in the particular "petrochemical capacity" for which the expansion is claimed.

(3) Applications for allocations for the 1973 allocation period under paragraph (e) of this section must be filed on or before December 31, 1973.

(b) For purposes of this section "petrochemical capacity" means a facility or plant complex:

(1) Which includes equipment for converting hydrocarbons to petrochemicals,

(2) Which manufactures for plant use or sale one or more separate and distinct petrochemicals by conversion of each separate "petrochemical capacity input" feedstock stream which is claimed by an applicant as a basis for obtaining an allocation.

(c) For purposes of this section "petrochemical capacity inputs" means feedstocks charged to a "petrochemical capacity."

(1) And include only:

(i) Crude oil,

(ii) Unfinished oils (except those unfinished oils specifically excluded in subparagraph (2) of this paragraph) produced in Districts I–IV and District V and Puerto Rico and unfinished oils imported pursuant to an allocation:

(2) But do not include:

(i) Unfinished oils which are produced in a "petrochemical capacity" or petrochemical plant in the manufacture of petrochemicals and subsequently charged to a unit which is part of the same "petrochemical capacity" or petrochemical plant in which they were produced or to any other "petrochemical capacity" or petrochemical plant which is owned or controlled by the same person who claims the initial "petrochemical capacity inputs" or petrochemical plant inputs from which the unfinished oils are derived.

(ii) Unfinished oils which are obtained by transactions such as sales, purchases, or exchanges which are designed to avoid the exclusion specified in subdivision (i) of this subparagraph (2) and,

(iii) Benzene which met the ASTM standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or para-xylene which had a purity of 95 percent or more by weight but which subsequently has been recycled and mixed with other hydrocarbons, commingled, or purposely debased.

(d) For purposes of this section each item on the schedule in paragraph (k) of section 9B of this regulation with the exception of changes in the "condition" of several items listed and additions made, as noted below, is a petrochemical if and only if, it conforms to any notation opposite the item in column 2 and to the condition specified opposite the item in column 3. The "conditions" amended and additions made to the schedule in paragraph (k) of section 9B are as follows:

D—ASTM nitration grade
E—Petrochemical must be recovered in a state of 95 percent purity or more.

Petrochemical	Limitations	Conditions
Benzene		D
Cumene		E
Ethylbenzene		E
Isoprene		E
Meta-xylene		E
Ortho-xylene		E
Para-xylene		E

(e) (1) Each increment of new, expanded or reactivated "petrochemical capacity" which has come onstream on or after January 1, 1972, will be treated as a separate entity under this paragraph (e) for a total of sixty months.

(2) If the new, expanded or reactivated "petrochemical capacity" is scheduled to come onstream during the allocation period for which the allocation is requested, the allocation shall be computed on the basis of inputs (divided by 365), calculated as in paragraph (f) (1) of this section, which it is estimated will be made to such capacity during that allocation period. In the event the new, expanded or reactivated "petrochemical capacity" comes onstream after September 30, of the allocation period for which the allocation is requested, the Director may, if requested by the applicant, extend the expiration date of the license or licenses to 120 days after the start-up date. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (2) may be eligible for an allocation pursuant to subparagraph (3), (4), or (5) of this paragraph for the succeeding allocation periods.

(3) If the new, expanded or reactivated "petrochemical capacity" has come onstream during the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be computed on the basis of the sum) divided by 365) of (i) the "petrochemical capacity inputs" calculated as in paragraph (f) (1) of this section, actually made to the new, expanded or reactivated "petrochemical capacity" during the first nine months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs, calculated as in paragraph (f) (1) of this section which it is estimated will be made to such capacity during the next number of months which, when combined with the months in subdivision (i) of this subparagraph, will constitute a period of twelve months.

(4) If the new, expanded or reactivated "petrochemical capacity" has been onstream for at least one year as of September 30, of the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be based on actual inputs (divided by 365), calculated as in paragraph (f) (1) of this section, to the facility during the preceding twelve months ending September 30: *Provided*, That, the facility will not have been onstream in excess of sixty months during the allocation period for which the allocation is requested.

(5) If the new, expanded or reactivated "petrochemical capacity" has not been onstream for a period of sixty months after earning an allocation under subparagraph (4) of this paragraph (e), an allocation will be made for the next allocation year based on actual inputs (divided by 365), calculated as in paragraph (f) (1) of this section, for the year ending September 30 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added

to the actual operating period in the previous allocation years, will constitute a period of sixty months. The facility will for this number of days, earn an allocation under this section 25A.

$$\frac{\text{Total weight in pounds of actual and estimated carbon and hydrogen from qualified "petrochemical capacity inputs" contained in petrochemicals produced during any applicable allocation period}}{200} = \text{Qualified inputs for the allocation period in barrels.}$$

(2) The allocation shall be equal to the qualified inputs, calculated as in paragraph (f)(1) of this section, to such facilities as determined in subparagraphs (e)(2), (e)(3), (e)(4) or (e)(5) of this section 25A, whichever is applicable.

(3) For purposes of this section, where a person produced a petrochemical from a combination of inputs which qualify, under paragraph (c) of this section and inputs which do not so qualify, the hydrogen and carbon content of the produced petrochemical shall be deemed to have been derived entirely from the qualified inputs to the full extent of such qualified inputs except that such hydrogen and carbon shall not be deemed to have been derived from a qualified input from which the carbon and hydrogen could not actually have been derived.

(g)(1) If an allocation based in whole or in part on estimated inputs, calculated as in paragraph (f)(1) of this section, is made to an applicant pursuant to this section, the actual inputs calculated as a basis for allocations in the next succeeding allocation period or periods for which the applicant applies for an allocation or allocations under this regulation shall be adjusted upward or downward to compensate for the difference between the calculated estimated inputs and actual inputs made during the period for which inputs were estimated.

(2) If the calculated estimated inputs upon which an allocation is based exceed the calculated actual inputs made by more than ten percent of the calculated estimated inputs, then, in addition to the adjustment downward provided by subparagraph (1) of this paragraph, the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the calculated actual inputs submitted by the applicant as a basis for allocation for the next succeeding period or periods for which the applicant applies for an allocation or allocations under this regulation shall be further reduced by the number of barrels by which the calculated estimated inputs exceeded the calculated actual inputs by more than ten percent. However, to the extent that an applicant demonstrates to the satisfaction of the Director that the excess of calculated estimated inputs over calculated actual inputs was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the apllicant's control, the Director may waive the penalty or reduce the number of barrels of excess for which the penalty will be imposed. Persons applying for and receiving allocations under this section whose new, expanded or reactivated "petrochemical capacity" fails to come onstream within the allocation period may be denied any allocation for the next succeeding period. The Director may elect not to apply this penalty in those cases where the applicant demonstrates to the satisfaction of the Dierctor that a substantial effort was made to complete and to start up such facility and that the person's failure was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control.

(3)(i) Any person who has been granted an allocation for a new, expanded or reactivated "petrochemical capacity" in Districts I–IV, District V or Puerto Rico may avoid the penalty prescribed in subparagraph (2) of this paragraph by returning on or before September 30 of the period for which the allocation was granted such a license or licenses for a downward adjustment, or, in lieu of returning such license or licenses, returning for downward adjustment a license issued to the person under section 9.

(ii) A request by an applicant who has received an allocation and license under this section for a downward adjustment shall be made in writing to the Director on or before September 30 of the allocation period for which the allocation and license were granted.

(4) The Director shall not issue a license under an allocation made pursuant to this section until (i) an on-the-spot evaluation of the new, expanded or reactivated "petrochemical capacity" has been conducted by compliance representatives of the Office of Oil and Gas and (ii) a written determination has been made by the Director that the facility is a bona fide "petrochemical capacity" as certified in the application, and that construction or reactivation has so far progressed that, in the Director's judgment, the plant will within sixty days from the date of such determination be ready for start-up and trials.

(h) No license issued for allocations made under this section may be sold, assigned, or otherwise transferred.

(i)(1) As used in this section 25A "expanded petrochemical capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of existing "petrochemical capacity" or petrochemical plant or identifiable "petrochemical capacity" or petrochemical plant capacity within an existing "petrochemical capacity" or petrochemical plant as have resulted in an increased petrochemical production capability of not less than fifteen percent above the base capacity established for the particular "petrochemical capacity" or petrochemical plant under consideration. The base capacity will be the average of the sums of the certified production of each petrochemical produced in the particular "petrochemical capacity" or petrochemical plant or identifiable "petrochemical capacity" or petrochemical plant capacity being expanded for the highest two of the last three years ending on September 30 of each year.

(2) As used in this section 25A, "reactivated petrochemical capacity" means restoration to operation of "petrochemical capacity" which had been shut down for not less than twelve months immediately preceding its reactivation.

(j) An allocation made pursuant to this section shall entitle a person to a license or licenses which will allow the importation of unfinished oils in an amount not exceeding, in the aggregate, 15 percent of the person's allocation. However, the Director shall permit a person holding such an allocation to import unfinished oils in an amount up to 100 percent of the allocation upon certification by him to the Director that such imported unfinished oils will not be exchanged, that such unfinished oils will be processed entirely in the petitioner's "petrochemical facilities," that the person will not charge to anyone of his plants a quantity of such unfinished oils in excess of the allocation made with respect to each such plant. The Director may, in special circumstances, permit a person holding such an allocation to import up to 100 percent of his allocation in the form of unfinished oils and to exchange such imports for like domestic material to be run entirely in the petitioner's "petrochemical facilities" in an amount not in excess of the allocation made with respect to each such plant. Annually beginning May 1, 1974, the maximum amount of the person's allocation which may be imported under this section as unfinished oil will be reduced by the following percentage:

For Year Commencing	Percent Reduction of Person's Allocation of Unfinished Oils Imported Under This Section
May 1, 1974	10
May 1, 1975	20
May 1, 1976	35
May 1, 1977	50
May 1, 1978	65
May 1, 1979	80
May 1, 1980	100

(k) A person who imports crude oil or unfinished oils under an allocation made under this section, except as provided in

paragraph (j) of this section, may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. All such exchanges shall be governed by the provisions of subparagraphs (2), (3), (5) and (6) of paragraph (b) of section 17 of this regulation.

(l) The hydrocarbon content of materials upon which an allocation under section 9 or section 9B of this regulation is based will not qualify as a basis for an allocation under this section.

(m) An applicant may not receive an allocation under this section 25A for new, expanded or reactivated "petrochemical capacity" for which inputs have been included in applications filed pursuant to section 9.

[FR Doc.73-26391 Filed 12-11-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER 1—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

PART 155—PHASE IV PRICE PROCEDURES

Miscellaneous Amendments

Section 150.153 is amended by adding a sentence providing that the 30-day prenotification period, in any case where it would otherwise end on a Saturday, Sunday or Federal legal holiday, will end at the close of the next succeeding workday.

Section 150.153 was amended on October 10, 1973 and prior to that amendment contained the language restored by this amendment. The deletion of the language was inadvertent and did not produce a gap in the Council's regulations since § 155.5(b), the general section governing computation of time for Title 6, CFR, provides that if the last day of a period falls on a Saturday, Sunday or Federal legal holiday, the period will be extended to the next day which is not a Saturday, Sunday or Federal legal holiday. Section 150.153 is amended to avoid any misunderstanding with respect to the ending date of the prenotification period which may have been caused by the October 10, 1973 amendment.

Section 155.108 is amended to change from 10 days to 30 days the length of time the Council has to make a decision and issue an order on a request for reconsideration. Because the Council has found that it is administratively infeasible to process requests for reconsideration in the 10 day time period stated in § 155.108, the time period is expanded to 30 days.

Because the purpose of these amendments is to make technical corrections and to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these regulations. Communications should be addressed to the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E. O. 11695, 38 FR 1473; E. O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Parts 150 and 155 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective December 11, 1973.

Issued in Washington, D.C. on December 11, 1973.

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

Section 150.153 is amended to read as follows:

§ 150.153 Measure of the prenotification period.

The 30-day prenotification period will begin on the first day which follows the date of filing of the notice of the proposed price increase and which is not a Saturday, Sunday or Federal legal holiday. In any case in which the 30-day period would otherwise end on a Saturday, Sunday or Federal legal holiday, it will end at the close of the next succeeding workday.

Section 155.108 is amended to read as follows:

§ 155.108 Decision by Council.

(a) When administratively feasible, within 30 days of receipt of a request for reconsideration, or within 30 days of a Hearing Officer's or District conferee's report, when a hearing or conference has been held, the Council will make a decision and issue an order. However, if a remedial order is outstanding and reconsideration is sought from an order under § 155.86, the Council will make every effort to expedite the issuance of an order under this section. It is expected that such orders will ordinarily issue within 30 days of receipt of the request for reconsideration.

[FR Doc.73-26493 Filed 12-11-73;12:06 pm]

Proposed Rules

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 162]

SEIZED MERCHANDISE

Proposed Treatment Pending Forfeiture Proceedings

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend § 162.41(c) of the Customs Regulations. This section presently provides that the appraisement of merchandise and liquidation of entries shall not be withheld because of pending forfeiture proceedings when an entry of merchandise subject to the provisions of section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592), has been made. The proposed amendment provides that in such instances the liquidation of the entry shall be suspended until final disposition of the forfeiture proceedings.

Accordingly, it is proposed to amend § 162.41(c) of the Customs Regulations to read as follows:

§ 162.41 Merchandise entered by false invoice, declaration, other document or statement subject to forfeiture.

* * * * *

(c) *Liability for duties unaffected by forfeiture.* When an entry covering merchandise subject to the provisions of section 592, Tariff Act of 1930, as amended, has been made, it shall, after final disposition of the forfeiture proceedings, be liquidated and the duties collected as though no forfeiture had been incurred. Liquidation of the entry shall be suspended until final disposition of the forfeiture proceedings. When merchandise not covered by an entry is subject to section 592, Tariff Act of 1930, as amended, a demand shall be made on the importer for payment of the duty estimated to be due on such merchandise in addition to the seizure of the merchandise or the demand for forfeiture value. Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before January 11, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: December 4, 1973.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-26265 Filed 12-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 202]

[EDR-256A; Docket No. 26039]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: INTERSTATE AND OVERSEAS ROUTE AIR TRANSPORTATION

Supplemental Notice of Proposed Rule Making

DECEMBER 6, 1973.

By notice of proposed rulemaking, EDR-256, dated October 25, 1973, and published at 39 FR 30008, the Board gave notice that it had under consideration an amendment to Part 202 of its Economic Regulations (14 CFR Part 202) which would provide for a simplified procedure for authorizing a relaxation of the skip-stop provision in the certificates of local service carriers. The proposal was offered as a means of affording more operating flexibility to the carriers for the duration of the severe fuel shortage with which they are now—and will continue to be—faced.[1] Since issuing said Notice, we have decided to expand the scope of the proposed amendments that are the subject of the rulemaking proceeding and to issue an amended exemption order. Accordingly, we have altered a small portion of the proposed rule to reflect the type of authority which we intend to grant through the procedures set forth in the rule.[2]

Although the time for filing comments in this proceeding [3] has expired, we will allow an additional 10 days for further comments in view of the fact that there is a change of a substantive nature in the authority we are granting. Interested persons may participate through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before December 17, 1973, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

By an exemption order issued contemporaneously herewith, the Board has decided to permit the local service carriers to omit service at all intermediate points on their certificates after they have provided one round trip five days per week at each station. Since the explanatory portion of EDR-256 referred to a higher requirement of two round trips five days per week, we have decided to issue this supplemental notice. In all other respects the explanatory portion of EDR-256 remains valid and interested parties are referred to it for a full discussion of our actions. An alteration in § 202.4(b-1) of the proposed rule will be necessary inasmuch as our most recent action further liberalizes the skip-stop condition and permits the provision of service to a point over only one segment notwithstanding the fact that the point appears on more than one segment. For the convenience of interested persons, we have attached hereto the proposed rule in full, as amended by this notice. The new language is underscored in the accompanying text.

It is proposed to amend Part 202 of the Economic Regulations (14 CFR Part 202), as follows:

1. Amend § 202.4 by inserting, following paragraph (b), a new paragraph to read as follows:

§ 202.4 Service pattern change.

* * * * *

(b) * * *

(1) *Application by local service carrier for change in service frequency to conserve fuel resources.* If at any time a local service carrier holding such a certificate desires to establish a service pattern

[1] The Notice was issued contemporaneously with Order 73-10-94, October 25, 1973, as amended by Order 73-11-20, November 6, 1973, which granted an interim exemption to reduce service.

[2] The rule, as modified, is proposed under authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324) 72 Stat. 754, as amended by 76 Stat. 143, 82 Stat. 867 (49 U.S.C. 1371).

[3] November 26, 1973.

reducing the frequency of service to any intermediate point served or required to be served pursuant to such condition of the certificate by omitting such service after scheduling less service than required but at least one round trip per day, five days per week regardless of segmentation, the holder shall make written application to the Board for approval thereof. Such application shall be conspicuously entitled "Local Service Carrier Application for Change in Service Frequency to Conserve Fuel, and shall set forth the facts relied upon to establish that the proposed service is in the public interest and consistent with the holder's performance of a local air transportation service and the fuel conservation program. Such application shall contain a statement of matters which the applicant desires the Board to officially notice and a detailed analysis of the anticipated effect of such authorization on the operating results of the holder and the fuel resources likely to be conserved, including, but not limited to, the following data on a monthly basis:

(i) Present and proposed schedules, by type of aircraft;

(ii) Number of departures, plane-miles, passengers and passenger-miles;

(iii) Existing segment load factors (on-board and reserved seat) to and from the point or points proposed to be omitted, including existing segment load factors on the days of the week on which service is proposed to be omitted;

(iv) Estimate of total financial impact of the proposal and any related schedule adjustments (i.e., new service in those markets on the carrier's route which will receive increased service once the intermediate point is omitted);

(v) The number of gallons of fuel which will be conserved as a result of the omission of the intermediate point and the disposition of the fuel (or reductions in purchases) which would otherwise have been utilized in serving the intermediate point.

The application shall also contain a notice to the persons served that they may, within 10 days of the date the application was filed, file and serve memoranda in support of, or in opposition to, the application. The change in service pattern may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such change in service pattern may adversely affect the public interest, in which event such change in service pattern shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds, pursuant to this paragraph, that the public interest would not be adversely affected by such service pattern. The Board will grant such application to such extent, and for such periods of time, and subject to such conditions as the Board deems proper and adequate, if it finds that such conditions and the proposed service pattern are in the public interest and consistent with the holder's performance of a local air transportation service and the fuel conservation program.

* * * * *

2. Amend section 202.5(b) to read as follows:

§ 202.5 Operations other than between fixed points.

* * * * *

(b) *Pleadings by interested persons.* Any interested person may file and serve upon the air carrier, and those persons required by §§ 202.3 and 202.4 to be served with the airport notice or application for permission to use an airport or for change in service pattern, a memorandum in opposition to, or in support of, such notice or application within 15 days of the filing of airport notices, within 20 days of the filing of an application for permission to use an airport or change of service pattern under § 202.4(b), and within 10 days of the filing of an application by a local service carrier for change in service frequency to conserve fuel resources under § 202.4(b–1). Such memoranda shall set forth in detail the reasons for the position therein taken, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An executed original and three copies in the case of airport notices, 19 copies in the case of applications for permission to use an airport or change of service pattern, shall be filed with the Docket Section of the Board. In the case of an airport notice, such memoranda shall be marked for the attention of the Director, Bureau of Operating Rights. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

[FR Doc.73-26311 Filed 12-11-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Amdt. No. 1, Redelegation 99.1.1]

CHIEF, INTERNATIONAL TRAINING BRANCH

Redelegation of Authority

Redelegation of Authority No. 99.1.1 Concerning the Contract Function.

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836), dated May 1, 1973 from the Assistant Administrator for Program and Management Services, I hereby amend Redelegation of Authority No. 99.1.1 as follows:

(1) Paragraph A is revised by adding "Chief, International Training Branch";

(2) Paragraph B(1) and its accompanying table are deleted in their entirety; this revokes the authority delegated to SER/IT under Redelegation of Authority No. 99.1.1. In their place the following revised Paragraph B(1) and table are inserted:

"B. (1) To incumbents of the positions in the Office of Public Safety (OPS) designated in the table below, and within the limits stated for each position in the table, authority to sign or approve the documents specified therein for purposes related to the participant training program.

Officers Authorized to Obtain Goods and Services Relative to the Participant Training Program: Director, and his Deputy; Chief, Training Division and his Deputy, OPS.

$50,000	Task orders against basic ordering agreement with universities or other educational institutions (including firms and organizations engaged in training) for participant training costs.
$50,000	Contracts with universities or education institutions (including firms and organizations engaged in training) for participant training costs based on published catalog tuition prices or other published mediums by which the institutions announce terms and conditions for enrollment.
$7,500	Interpreting (including translating services contracts and field program manager contracts.
$2,500	Purchase orders to effect purchases related to the participant training program in accordance with procedures set forth in Federal Procurement Regulations Subpart 1-3.6"

This amendment is effective December 3, 1973.

Dated: December 3, 1973.

JOHN F. OWENS,
Director, Office of Contract Management.

[FR Doc.73-26287 Filed 12-11-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

LAND CLAIMS

Final Eligibility of Native Villages

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a)(2) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on pages 14222 and 14223 of the May 30, 1973 issue of FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 29-203, 92nd Congress, 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and Subpart 2651.2 of said regulations, notice is hereby given that the following is a final decision determining the eligibility of certain Native villages in Alaska listed in section 11(b)(1) of said Act. Notice of Proposed Eligibility was published on page 27421 of the October 3, 1973, issue of the FEDERAL REGISTER. Said Notice was also published in one or more newspapers of general circulation in Alaska and a copy was mailed to each affected village; all villages located in the Native region in which the affected village is located; all Native regional corporations within the State of Alaska; and the State of Alaska. Interested parties were allowed until November 2, 1973, to file protests to the proposed decisions.

No protests having been received as a result of the Notice published in the FEDERAL REGISTER on October 3 the proposed decisions on the following villages now become final; and the Director, Juneau Area Office, Bureau of Indian Affairs will provide certification as to the eligibility for land benefits under the Act:

Name of listed native village:	*Bureau of Land Management Serial No.*
Alatna	F-14826
Bill Moore's	F-14839
Ekuk	AA-6662
Gakona	AA-6666
Georgetown	F-14860
Hamilton	F-14864
Igiugig	AA-6669
Iliamna	AA-6670
Ivanof Bay	AA-6671
Lime Village	F-14887
Mary's Igloo	F-14893
McGrath	F-14889
Napaimute	F-14900
Obogamiut	F-14915
Takotna	F-14942
Tazlina	AA-6704
Telida	F-14945
Ugashik	AA-6708

The Director, Juneau Area Office, Bureau of Indian Affairs will issue certificates of eligibility for land benefits under the act to the above named villages and will certify the records and the final decisions to the Secretary. A copy of this final decision and certification of eligibility will be mailed to each eligible village; each other village located in the same region as the eligible village; all regional corporations within the State of Alaska; and the State of Alaska.

Future notices will be issued as to the final eligibility of villages when and if such eligibility becomes established.

JOHN A. MOORE II,
Acting Director.

DECEMBER 3, 1973.

[FR Doc.73-26273 Filed 12-11-73;8:45 am]

POINT LAY

Administrative Determination Regarding Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by Joe Manga of 270 Illinois Street, Fairbanks, Alaska 99701 and Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M., Juneau, Alaska 99801, hereinafter referred to as Protestants. The protest of Joe Manga was dated October 16, 1973 and was received October 19, 1973 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, was dated November 2, 1973 and was received on November 2, 1973 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Manga objects to the Native Village of Point Lay being added to the list of proposed eligible Native Villages on the grounds that "the land allotted to villages will be determined by the 1970 census and the 1970 census does not show any population for the village of Point Lay." Protestant Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska objects to the regulations and the method of their interpretation as they apply to the Native Village of Point Lay and certain other Native villages.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; * * *.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 5, 1973, 81 Natives had been certified for enrollment in the Native Village of Point Lay. On June 27, 1973, a field investigation was completed of Point Lay and at that time thirteen Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Point Lay represent, a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests, together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Point Lay, is eligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2 (a) (5) of Title 43 CFR, on or before January 11, 1974.

Appellant shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE II,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-26276 Filed 12-11-73;8:45 am]

NOOIKSUT

Administrative Determination Regarding Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801, and J. P. Trunz, Jr., Commander, CEC, USN, Director Department of the Navy, Naval Petroleum and Oil Shale Reserves, Washington, D.C. 20360, hereinafter referred to as Protestants.

The protest of the State of Alaska was dated November 2, 1973, and received on the same date by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Department of the Navy was dated October 24, 1973, and it was received on October 26, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant State of Alaska objects to the regulations and the method of their interpretation as they apply to the Native Village of Nooiksut. Protestant Department of the Navy states that "Clearly less than twenty-five natives were residents of the village of * * * Nooiksut on the 1970 census enumeration date."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; * * *.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 30, 1973, 197 Natives had been certified for enrollment in the Native Village of Nooiksut. On July 23, 1973, a field investigation was completed of Nooiksut and at that time twenty-five Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Nooiksut represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives own cultural patterns and life style and at least thirteen Natives enrolled there to have used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests, together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Nooiksut, is eligible for land benefits under said Act. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within

the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before January 11, 1974.

Appellant shall have not more than 15 days from the date of receipt of the his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE II,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-26277 Filed 12-11-73;8:45 am]

MANLEY HOT SPRINGS

Administrative Determination Regarding Final Decision Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by James S. Boa, et al., Manley Hot Springs, Alaska 99756, Barbara Strandberg and Harold Strandberg, 700 Gold Street, Apartment 6, Juneau, Alaska 99801, and Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801, hereinafter referred to as Protestants. The protest of James S. Boa, et al., was dated October 25, 1973, and received on October 29, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Barbara Strandberg and Harold Strandberg was dated October 22, 1973, and received on November 1, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Charles F. Herbert, Commissioner, Department of Resources, State of Alaska, was dated November 2, 1973, and received on November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestants James S. Boa, et al., object to the Native Village of Manley Hot Springs being added to the list of proposed eligible Native villages "* * * on the basis of the 1970 Census plainly showing less than the required number * * *". Protestants Barbara Strandberg and Harold Strandberg state: "At the time of the 1970 census there were not more than 13 Natives, including children actually calling Manley their home." Protestant Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska objects to the regulations and the method of their interpretation as they apply to the Native Village of Manley Hot Springs and certain other Native villages.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsections 14(a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the Village on the 1970 census enumeration date as shown by the census or *other evidence satisfactory to the Secretary*, who shall make findings of fact in each instance; * * *.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 30, 1973, 42 Natives had been certified for enrollment in the Native Village of Manley Hot Springs. On May 18, 1973, a field investigation was completed of Manley Hot Springs and at that time 21 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Manley Hot Springs represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Manley Hot Springs, is eligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before January 11, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE II,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-26278 Filed 12-11-73;8:45 am]

SALAMATOF

Administrative Determination Regarding Final Decision Concerning Eligibility as Native Village

This is a written decision on a protest filed pursuant to 43 CFR, Part 2650 by Gordon W. Watson, Area Director, Bureau of Sport Fisheries and Wildlife, Alaska Area Office, 813 D Street, Anchorage, Alaska 99501, hereinafter referred to as Protestant. The protest was dated October 30, 1973, and it was received on November 1, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant states that "We contend that neither the identifiable physical location of Salamatof nor the minimum residence requirements in relation to an identifiable physical village location have been established. The village of Salamatof, therefore, does not qualify for eligibility under the terms of the Act".

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsection 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; * * *.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of

Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 30, 1973, 142 Natives had been certified for enrollment in the Native village of Salamatof. On July 30, 1973, a field investigation was completed of Salamatof and at that time fourteen Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Salamatof represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time.

The director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest, together with his record of findings of fact and proposed decision and does hereby render a decision determining that the Native Village of Salamatof is eligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before January 11, 1974.

Appellant shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. Not more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board Shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-26279 Filed 12-11-73;8:45 am]

UYAK

Administration Determination Regarding Final Decision Concerning Eligibility as Native Village

This is a written decision filed pursuant to 43 CFR Part 2650 by Gordon W. Watson, Area Director, Bureau of Sport Fisheries and Wildlife, Alaska Area Office, 813 D Street, Anchorage, Alaska 99501 and J. L. Holt, Kodiak, Alaska, hereinafter referred to as Protestants. The protest of Bureau of Sport Fisheries and Wildlife was dated October 30, 1973 and was received November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs and the protest of J.L. Holt was dated November 2, 1973 and received on the same date by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Bureau of Sport Fisheries and Wildlife states: "We believe Uyak is no longer a viable village as based on frequent observations of the location over periods of time pertinent to the requirements of ANCSA" and "Uyak is not listed in the 1970 census enumeration among communities with more than 25 persons."

Protestant Holt stated that among others, the village of Uyak on the basis of "personal knowledge that these locations are not 'villages' " and that "most show no viable sign of habitation * * *".

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or *other evidence satisfactory to the Secretary*, who shall make findings of fact in each instance; * * *.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 30, 1973, 31 Natives had been certified for enrollment in the Native Village of Uyak. On August 17, 1973, a field investigation was completed of Uyak and at that time fourteen Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Uyak represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least 13 Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest, together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Uyak, is eligible for land benefits under said Act. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before January 11, 1974.

Appellant shall have not more than 15 days from the date of receipt of the his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE II,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-26280 Filed 12-11-73;8:45 am]

KASAAN

Administrative Determination Regarding Final Decisions Concerning Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by C. A. Yates, Regional Forester, U.S. Forest Service, PO. Box 1628, Juneau, Alaska 99801 and A. W. Boddy, Executive Secretary, Alaska Wildlife Federation and Sportsmen's Council, 1700 Glacier Avenue, Juneau, Alaska 99801, hereinafter referred to as Protestants. The protest of the U.S. Forest Service was dated November 2, 1973, and it was received on November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs, and the protest of the Alaska Wildlife Federation and Sportsmen's Council was dated October 23, 1973, and it was received on November 2, 1973, by

the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant U.S. Forest Service states in part as follows: "* * *. It is our opinion that the Native's residence as shown by the census of April 1, 1970, should be the place to which the Native is enrolled unless satisfactory evidence to the contrary is provided".

Protestant Alaska Wildlife Federation and Sportsmen's Council objects to Kasaan being eligible as a Native village because it "* * * fails to qualify if the evidence attached hereto is correct, i.e., that there were less than 25 Natives who were residents of Kasaan on the date of the 1970 census enumeration".

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Subpart 2651.2(b) of the regulations sets out the criteria for Native villages to be eligible for benefits under sections 14(b) of the Act. There must be 25 or more Native residents of each Native village on April 1, 1970, as shown on the census or other evidence satisfactory to the Secretary. A Native properly enrolled to the village shall be deemed a resident of the village.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 30, 1973, 119 Natives had been certified for enrollment in the Native Village of Kasaan. On August 20, 1973, a field investigation was completed of Kasaan and at that time 16 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have been certified for enrollment to Kasaan represent a majority of the residents of the village in 1970. Pursuant to § 2651.2 (b) (2) of Title 43 of the Code of Federal Regulations Kasaan had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives own cultural patterns and life style and at least 13 persons who enrolled thereto had used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests, together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Kasaan is eligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2 (a) (5) of Title 43 CFR, on or before January 11, 1974.

Appellant shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE II,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-26281 Filed 12-11-73;8:45 am]

NATIVE VILLAGES

Final Ineligibility

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart B of Chapter II of Title 43 of the Code of Federal Regulations published on Pages 14222 and 14223 of the May 30, 1973, issue of FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92nd Congress, 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and Subpart 2651.2 of said regulations, notice is hereby given that the following is a final decision determining the ineligibility of certain Native villages in Alaska listed in section 11(b)(1) of said Act. Notice of proposed ineligibility was published on pages 27420 and 27421 of the October 3, 1973, issue of the FEDERAL REGISTER. Said notice was also published in one or more newspapers of general circulation in Alaska and a copy was mailed to each affected village; all villages located in the Native region in which the affected village is located; all Native regional corporations within the State of Alaska; and the State of Alaska. Interested parties were allowed until November 2, 1973, to file protests to the proposed decisions.

No protests having been received as a result of the notice published in the FEDERAL REGISTER on October 3, 1973, the proposed decisions for the ineligibility for the following villages now become final:

Name of listed native village	*Bureau of Land Management Serial No.*
Biorka	AA–6651
Candle	F–14843
Canyon Village	F–14845
Chanilut (Chanillut)	F–14847
Chukwuktoligamute	F–14850
Makok	F–14890
Medfra	F–14894
Minchumina Lake	F–14886
Nabesna Village	F–14899
Northeast Cape	F–14911
Paradise	F–14917
Savonoski	AA–6700
Slana	AA–6718
Squaw Harbor	AA–6702

The Director, Juneau Area Office, Bureau of Indian Affairs will issue certificates of ineligibility for land benefits under the act to the above named villages and will certify the record and the final decisions to the Secretary. A copy of this final decision and a certification of ineligibility will be mailed to each ineligible village; each other village located in the same region as the ineligible village; all regional corporations within the State of Alaska; and the State of Alaska.

Future notices will be issued as to the final eligibility or ineligibility of villages when and if such eligibility or ineligibility becomes established.

JOHN A. MOORE II,
Acting Director.

DECEMBER 3, 1973.

[FR Doc.73-26274 Filed 12-11-73;8:45 am]

SELDOVIA

Administrative Determination Regarding Final Decision Concerning Eligibility as Native Village

This is a written decision on protest filed pursuant to 43 CFR Part 2650 by Jack P. English, Seldovia, Alaska, hereinafter referred to as Protestant. The protest was dated October 29, 1973, and received on November 1, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant objects to the Native Village of Seldovia being determined eligible as a Native village pursuant to the Alaska Native Claims Settlement Act.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(2) of the Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b) (1) hereof, and a village shall not be eligible for land benefits under subsections 14 (a) and (b), and any withdrawal for

such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; * * *.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of October 30, 1973, 257 Natives had been certified for enrollment in the Native Village of Seldovia. On July 31, 1973, a field investigation was completed of Seldovia and at that time fourteen Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 257 Natives certified for enrollment to Seldovia on October 30, 1973, does not represent a majority of the residents of the village in 1970. Seldovia does not possess all of the attributes contained in Subpart 2651.2 (b)(3) of the regulations so it is not modern and urban in character. Subpart 2651.2(b)(4) of the regulations is quoted as follows: "In the case of unlisted villages, a majority of the residents must be Native, but in the case of villages listed in sections 11 and 16 of the Act, a majority of the residents must be Native only if the determination is made that the village is modern and urban pursuant to (3) above." Seldovia does meet the criteria contained in Subpart 2651.2(b) for it to be eligible for benefits under section 14(a) of the Act.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protest together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native Village of Seldovia, is eligible for land benefits under said Act. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before January 11, 1974. Appellants shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE II,
Acting Director.

NOVEMBER 30, 1973.

[FR Doc.73-26275 Filed 12-11-73;8:45 am]

CENTRAL OFFICE OFFICIALS

Delegation of Authority

DECEMBER 4, 1973.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

This delegation is issued under the authority delegated to the Commissioner by the Secretary in section 25 of Secretarial Order 2508 (10 BIAM 2.1).

Section 5 of Part 10 of the Bureau of Indian Affairs Manual (10 BIAM 5) was published on page 637 of the January 16, 1969, FEDERAL REGISTER (34 FR 637) and subsequently amended.

Section 5.1 is being revised to reflect organizational changes. A new section 5.5 is being added to delegate to the Deputy Commissioner all the authority of the Commissioner.

1. Section 5.1 is revised to read as follows:

SEC. 5.1. *Authority for Bureau Contracting.* The Director, Office of Administration, and those persons designated to act for him during his absence are authorized to issue directives and orders concerning contracting policies, procedures, and practices to Area, Agency, and other field offices.

2. A new section 5.5 is added to read as follows:

SEC. 5.5 *Authority of Deputy Commissioner.* The Deputy Commissioner and those persons designated to act for him during his absence may exercise all the authority of the Commissioner of Indian Affairs.

MORRIS THOMPSON,
Commissioner.

[FR Doc.73-26270 Filed 12-11-73;8:45 am]

Bureau of Land Management

[Serial No. I-7370]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 4, 1973.

The Department of Agriculture has filed an application, Serial Number I-7370, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as rights-of-way for the Forty-Nine Meadows Road No. 760 and Donally Ridge Road No. 1999. The roads are part of the Forest Development System within the St. Joe National Forest.

Until January 11, 1974, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, PO Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

ST. JOE NATIONAL FOREST

Forty-Nine Meadows Road No. 760

T. 43 N., R. 4 E., Sec. 1, SE¼SE¼.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline over and across the above-cited subdivision.

The area described aggregate 0.08 acre, more or less, in Shoshone County, Idaho.

Donally Ridge Road No. 1999

T. 45 N., R. 4 E., Sec. 28, NE¼NE¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline over and across the above-cited subdivision.

The area described aggregates 3.03 acres, more or less, in Shoshone County, Idaho.

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

[FR Doc.73-26298 Filed 12-11-73;8:45 am]

SALT LAKE DISTRICT U–1 DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the District Advisory Board of District U–1 of the Salt Lake District, will hold a meeting on January 8, 1974, at 9:00 a.m. at the Red Baron Inn, in Brigham City, Utah.

The agenda for the meeting will include: Advisory Board recommendations for summer grazing and section 4115.2-(b) transfers. The Board will also consider range improvement projects, implementation of matters relating to grazing management contained in the District's completed Management Framework Plan in Rich County, and the presently on-going URA analysis for the Grouse Creek area.

The meeting will be open to the public. Time will be available for limited comments by members of the public. Those wishing to make an oral statement, should inform the chairman of the Board prior to the meeting of the Board. Any interested person may file a written statement with the Board for their consideration. The Advisory Board Chairman for District U–1 is Norman Weston. Written statements may be submitted at the meeting, or mailed to either Mr. Weston or the District Manager, c/o the Bureau of Land Management, 1750 South Redwood Road, Room 214, Salt Lake City, Utah 84104.

Further information concerning this meeting may be obtained from the District Manager, Salt Lake City District Office, (801) 524–5348.

Minutes of the meeting will be available for public inspection 30 days after the meeting at the District Office, address above.

GERALD E. HILLIER,
District Manager,
Salt Lake District.

[FR Doc.73-26271 Filed 12-11-73;8:45 am]

SALT LAKE DISTRICT U–2 DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the District Advisory Board of District U–2 of the Salt Lake District, will hold a meeting on January 10, 1974, at 9:00 a.m. at Howard Johnson's Motor Lodge, 122 W. South Temple, Salt Lake City.

The agenda for the meeting will include Advisory Board recommendations on summer grazing and section 4115.2-(b) transfers. The Board will also consider range improvement projects, implementation of matters relating to grazing management contained in the District's completed Management Framework Plan for Lakeside-Skull Valley area and the West Desert.

The meeting will be open to the public. Time will be available for limited comments from the public. Those wishing to make an oral statement should inform the Chairman of the Board prior to the meeting. Any interested person may file a written statement with the joint Boards for their consideration. Advisory Board Chairman for District U–2 is Garnett Player. Written statements may be submitted at the meeting or mailed to Mr. Player, c/o the District Manager, Bureau of Land Management, 1750 South Redwood Road, Room 214, Salt Lake City, Utah 84104.

Further information concerning this meeting may be obtained from the District Manager, Salt Lake District Office, (801) 524–5348.

Minutes of the meeting will be available for public inspection 30 days after the meeting at the District Office, address above.

GERALD E. HILLIER,
District Manager,
Salt Lake District.

[FR Doc.73-26272 Filed 12-11-73; 8:45 am]

Bureau of Reclamation

DRAFT ENVIRONMENTAL STATEMENT FOR PROPOSED CONTRACT FOR SALE OF M&I WATER FROM FONTENELLE RESERVOIR, SEEDSKADEE PROJECT, WYOMING

Notice of Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Proposed Contract for Sale of Municipal and Industrial Water from Fontenelle Reservoir, Seedskadee Project, Wyoming. This statement (INT DES 73–73) was transmitted to the Council on Environmental Quality on November 30, 1973, and was made available to the public during the first week of December.

The draft environmental statement is available for public review at the Upper Colorado Regional Office of the Bureau of Reclamation, Room 7223, Federal Building, 125 South State Street (PO Box 11568), Salt Lake City, Utah 84111. Individual copies of the statement may also be obtained without charge by writing to the Regional Director, Bureau of Reclamation, at the above address.

Fontenelle Dam, located on the Green River about 49 miles north of the town of Green River, Wyoming, was completed in 1964. The powerplant was placed in operation in 1968. The reservoir was constructed to provide water for municipal and industrial uses, wildlife refuge use, recreation, and irrigation of new lands on the Seedskadee Project.

The draft environmental statement deals with a proposed contract between the United States and the State of Wyoming which would convey to the State the right to annual use of up to 125,000 acre-feet of project water, including 60,000 acre-feet of storage in Fontenelle Reservoir and 600 cubic feet per second of natural flow in the Green River. This water was formerly planned for irrigation of new lands, but was never used for this purpose. It is anticipated that the State of Wyoming would market this water mainly for uses associated with the development of energy and mineral resources in Sweetwater, Lincoln, and Uinta Counties, Wyoming. The United States would reserve similar amounts of storage in Fontenelle Reservoir and natural flow for future use.

A public hearing will be held in Green River, Wyoming, to receive information and views from interested individuals or organizations relating to environmental impacts of the proposed contract. The hearing will be held in the New Courthouse in Green River beginning at 2 p.m. on Thursday, January 10, 1974. The hearing will continue until all persons desiring to comment have been heard that evening.

Interested individuals, representatives of organizations, and public officials desiring to comment at the hearing are requested to contact the Regional Director, Bureau of Reclamation, at the above address (or telephone 801–524–5592) before 4:30 p.m., January 7, 1974.

Written comments from those unable to attend the hearing or those wishing to supplement their oral presentation at the hearing may be submitted to the Regional Director until January 22, 1974. Statements submitted in connection with hearing will be included with the hearing transcript.

Oral statements at the hearing will be limited to 10 minutes for each person. Any person desiring additional time must secure prior approval. An oral statement, however, may be supplemented by a written statement which may be submitted to the hearing officer at the time of presentation of the oral statement, or may be mailed to the Bureau of Reclamation as provided above.

Only one representative will be allowed to speak for each organization desiring to present comments, unless prior approval is obtained. Approval for additional time or representatives must be obtained from the Regional Director. All such requests must be received prior to 4:30 p.m., January 7, 1974. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Dated: December 6, 1973.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.73-26262 Filed 12-11-73;8:45 am]

Office of the Secretary

LIVESTOCK GRAZING ON PUBLIC LANDS

Schedule of Fees, 1974

Pursuant to the authority vested in the Secretary of the Interior, notice is hereby given of the schedule of fees for the 1974 fee year beginning March 1, 1974, and ending February 28, 1975, for livestock grazing on the public lands.

For the purpose of establishing charges, 1 animal unit month (AUM) shall be considered equivalent to grazing use by one cow, five sheep, or one horse for 1 month. The charge for one horse is at twice the rate for one cow.

Bills shall be issued in accordance with the rates prescribed in this notice.

INSIDE STATUTORY GRAZING DISTRICTS

Pursuant to departmental regulations (43 CFR 4115.2–1(k)) as amended January 7, 1972 (32 FR 213), fees within districts, except as otherwise provided herein, shall be $1 per AUM of which 60 cents is the grazing use fee and 40 cents is the range improvement fee.

Exceptions to the above rates are hereby set as follows for certain LU project lands (national grasslands) in order to continue the basis of fees that has heretofore been established:

Arizona. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $1.46 per AUM of which 60 cents is the grazing use fee and 86 cents is the range improvement fee.

Colorado. For the Great Divide project transferred to the Department by Executive Order 10046, the fees shall be $1.13 per AUM of which 60 cents is the grazing use fee and 53 cents is the range improvement fee.

Montana. For all LU lands within districts transferred to the Department by Executive Order 10787, the fees shall be $1.14 per AUM of which 60 cents is the grazing use fee and 54 cents is the range improvement fee.

New Mexico. For the Hope Land project transferred to the Department by Executive Order 10787, the fees shall be $1.08 per AUM of which 60 cents is the grazing use fee and 48 cents is the range improvement fee. For the San Simon project (Cienega area) transferred to the Department by Executive Order 10322, the fees shall be $1.46 per AUM of which 60 cents is the grazing use fee and 86 cents is the range improvement fee.

OUTSIDE STATUTORY GRAZING DISTRICTS

(EXCLUSIVE OF ALASKA)

Pursuant to departmental regulations (43 CFR 4125.1–1(m)), the rate for grazing leases except as otherwise provided herein, shall be $1 per AUM of which 25 percent is the range improvement fee.

Exceptions to the above rate are hereby set as follows for certain LU project lands and for all O&C and intermingled public domain lands in western Oregon in order to continue the basis of fees that has heretofore been established:

Montana. For those Milk River Land project lands outside districts transferred to the Department by Executive Order 10787, the fee shall be $1.14 per AUM of which 25 percent is the range improvement fee.

Wyoming. For the northeast Wyoming project transferred to the Department by Executive Order 10046 and amended by Executive Order 10175, the fee shall be $1.13 per AUM of which 25 percent is the range improvement fee.

Western Oregon. For western Oregon the fee shall be $1.14 per AUM.

ROGERS C. B. MORTON,
Secretary of the Interior.

DECEMBER 7, 1973.

[FR Doc.73–26411 Filed 12–11–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 5]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259 is amended as follows:

1. The second sentence of section 32 entitled "Peanuts—Shelled or farmers stock—restricted use sales" is revised to read as follows:

Terms and conditions of sale are set forth in Announcement TP–1 effective December 1, 1973, and the applicable lot list.

Effective date: 2:30 p.m., e.s.t., November 30, 1973.

Signed at Washington, D.C., on December 6, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73–26318 Filed 12–11–73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OFFICE OF COASTAL ENVIRONMENT/ COASTAL ZONE MANAGEMENT

Notice of Meetings

Notice is hereby given that the Office of Coastal Environment, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a series of meetings in various locations indicated below for the purpose of hearing public comments on the criteria to be used by the Secretary of Commerce in approving State coastal zone management programs as specified in the Coastal Zone Management Act of 1972, Pub. L. 92–583. The views of the public and all interested parties are invited.

In order to provide a focal point for comments, copies of a working paper outlining the issues to be faced in developing these criteria will be distributed by the Office of Coastal Environment. Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Environment as soon as possible in order that a meeting schedule may be drawn up and definite times established for presentations. The address is: Office of Coastal Environment, Rock-Wall Building, 11400 Rockville Pike, Rockville, Maryland 20852 (301)496–8526.

Copies of the working paper will be available on December 10 and will be sent automatically to all those who have requested to be heard at the meeting. Presentations will be scheduled on a first-come, first-serve basis, but priority will be given to those who have in-hand, prepared statements. Time will be allotted at the end of each meeting for those wishing to be heard, but without prepared statements. No verbatim transcript of the meetings will be maintained, but staff present will record the general thrust of extemporaneous remarks. Copies of the working paper will be available at all times from the Office of Coastal Environment and will also be available at the meeting site.

In order that the maximum opportunity be afforded all those who wish to be heard, presentations will be limited to a maximum of twenty minutes. No audio-visual equipment will be available. Office of Coastal Environment staff may wish to ask questions of speakers.

Following consideration of the comments received at these meetings, the Office of Coastal Environment will prepare formal guidelines on the criteria to be used by the Secretary of Commerce for approval of State coastal zone management programs which will be published for public review in draft form in the FEDERAL REGISTER. Comments may also be submitted by mail to the Office of Coastal Environment on the working paper. Such written comments must be received before February 5, 1974, in order to be considered for inclusion in the draft guidelines, although such comments will be accepted any time before publication of final rules and regulations in the FEDERAL REGISTER. These meetings should not be considered as a substitute for any other Federal clearance procedure required prior to final promulgation.

The meeting schedule follows:

Washington, D.C.	Department of Commerce Auditorium, Department of Commerce Bldg., 14th St. between Constitution Ave. and E St., Washington, D.C.	Dec. 19 and 20, 1973.	9 a.m. to 5 p.m.
San Francisco	Holiday Inn, 530 Eighth St., San Francisco, Calif.	Jan. 8, 1974	9 a.m. to 5 p.m.
Seattle	Nisqually Room, Pacific Science Center, Seattle, Wash.	Jan. 10, 1974	9 a.m. to 5 p.m.
Chicago	Contact Office of Coastal Environment for location	Jan. 15, 1974	9 a.m. to 5 p.m.
Boston	Transportation System Center, U.S. Department of Transportation, 55 Broadway, Cambridge, Mass.	Jan. 17, 1974	9 a.m. to 5 p.m.
Atlanta	First National Bank of Atlanta, 2 Peachtree St., Atlanta, Ga.	Jan. 22, 1974	9 a.m. to 5 p.m.
New Orleans	F. G. Lanham Federal Bldg., 819 Taylor St., Room 7A38, New Orleans, La.	Jan. 24, 1973	9 a.m. to 5 p.m.

RICHARD R. GARDNER,
Deputy Director, Office of Coastal Zone Management.

[FR Doc.73–26420 Filed 12–11–73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTION

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, VA 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,733,130: Slotted Probe for Spectroscopic Measurements. Filed 7 Mar. 72, patented 15 May 73. Not available NTIS.

DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent Application 372,749: Automotive Exhaust System Leak Test. Filed 22 June 73, PC $3.00/MF $1.45.

Patent Application 395,241: Condition Responsive Control Apparatus. Filed 7 Sept. 73, PC $3.00/MF $1.45.

DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent 3,763,330: Apparatus for Burning Sulfur Containing Fuels. Filed 24 Jan. 73, patented 9 Oct. 73. Not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,500,145: Thin Vapor-Deposited Metal Film Voltage Regulator. Filed 1 Mar. 67, patented 10 Mar. 70, Not available NTIS.

Patent 3,500,172: High Voltage, High Power Series Regulator. Filed 21 June 67, patented 10 Mar. 70, Not available NTIS.

Patent 3,513,332: Polyphase Power Interruption Apparatus Including Bidirectional Semiconductors. Filed 27 July 67, patented 19 May 70, Not available NTIS.

Patent 3,514,949: Turboprop Fuel Control for use with Contaminated or Varied Fuels. Filed 18 June 68, patented 2 June 70, Not available NTIS.

Patent 3,515,449: Soft Rubber Squeeze Film Bearing. Filed 10 Sept. 68, patented 2 June 70, Not available NTIS.

Patent 3,517,170: System or Apparatus for Optimizing the Operation of a Combustion Process. Filed 29 May 67, patented 23 June 70, Not available NTIS.

Patent 3,517,550: Load and Rate of Change of Load Detection System. Filed 8 May 68, patented 30 June 70, Not available NTIS.

Patent 3,518,121: Nonaqueous Ammonia Primary Cell Utilizing Nitrated Polystyrene Cathode Oxidant. Filed 16 July 69, patented 30 June 70, Not available NTIS.

Patent 3,520,793: Electrophoretic Separator. Filed 29 Sept. 67, patented 14 July 70, Not available NTIS.

Patent 3,521,189: Multiple Crystal High Power Laser Design. Filed 3 Jan. 67, patented 21 July 70, Not available NTIS.

Patent 3,522,037: Stainless Steel Compositions with Increased Corrosive Resistance. Filed 31 Oct. 66, patented 28 July 70, Not available NTIS.

Patent 3,523,514: Salvage Pontoon. Filed 27 Nov. 68, patented 11 Aug. 70, Not available NTIS.

Patent 3,524,276: Elimination of Jellyfish and the Like. Filed 26 Jan. 68, patented 18 Aug. 70, Not available NTIS.

Patent 3,526,745: Welding Machine. Filed 12 Sept. 66, patented 1 Sept. 70, Not available NTIS.

Patent 3,527,919: Extended Electrode Welding Technique. Filed 5 Feb. 69, patented 8 Sept. 70, Not available NTIS.

Patent 3,528,165: Corrosion Inhibiting Process. Filed 24 Apr. 67, patented 15 Sept. 70, Not available NTIS.

Patent 3,532,176: Contoured Sidewalls for Captured Air Bubble Surface Effect Ships. Filed 29 May 68, patented 6 Oct. 70, Not available NTIS.

Patent 3,532,180: Semi-Flexible Seal for Captured Air Bubble Vehicle. Filed 17 May 68, patented 6 Oct. 70, Not available NTIS.

Patent 3,533,870: Method of Fabricating a Flexible Impregnated Glass Fiber Tether Having Maximum Strength Properties. Filed 21 July 66, patented 13 Oct. 70, Not available NTIS.

Patent 3,533,897: Optically Clear Roughened Glass and Method for Making Same. Filed 19 June 67, patented 13 Oct. 70, Not available NTIS.

Patent 3,535,246: Heat Producing Composition and Method of Employment. Filed 21 Mar. 68, patented 20 Oct. 70, Not available NTIS.

Patent 3,541,503: Optical Glide Slope Reference Indicator for Aircraft. Filed 27 Oct. 69, patented 17 Nov. 70, Not available NTIS.

Patent 3,544,421: Filament Wound Structural Laminates. Filed 31 May 67, patented 1 Dec. 70, Not available NTIS.

Patent 3,546,151: Water Repellent Corrosion Inhibiting Composition. Filed 10 June 68, patented 8 Dec. 70, Not available NTIS.

Patent 3,548,411: Retractable Goggles for Helmet. Filed 26 Feb. 69, patented 22 Dec. 70, Not available NTIS.

Patent 3,549,155: Helically Cut Sleeve Seal. Filed 26 Apr. 68, patented 22 Dec. 70, Not available NTIS.

Patent 3,551,850: Suppressed-Carrier Modulator. Filed 14 Nov. 68, patented 29 Dec. 70, Not available NTIS.

Patent 3,700,939: Ferroelectric Ceramic Stack. Filed 10 Sept. 71, patented 24 Oct. 72, Not available NTIS.

Patent 3,700,945: High Power Pulsed Electron Beam. Filed 30 Aug. 71, patented 24 Oct. 72, Not available NTIS.

Patent 3,700,952: High Power Pulsed Microwave Source. Filed 30 Aug. 71, patented 24 Oct. 72, Not available NTIS.

Patent 3,701,057: Broad-Band Lumped-Element Directional Coupler. Filed 20 May 71, patented 24 Oct. 72, Not available NTIS.

Patent 3,701,059: Remote Controlled, Adjustable Bandwidth Low Pass Filter. Filed 16 Apr. 71, patented 24 Oct. 72, Not available NTIS.

Patent 3,701,143: Walsh Function Generator. Filed 24 Aug. 70, patented 24 Oct. 72, Not available NTIS.

Patent 3,701,144: High Frequency Analog-to-Digital Converter. Filed 28 Oct. 70, patented 24 Oct. 72, Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA—CODE GP-2, WASHINGTON, D.C. 20546.

Patent Application 237,491: Integrated Lift/Drag Controller for Aircraft. Filed 23 Mar. 72, PC $3.25/MF $1.45.

Patent Application 307,714: Aircraft-Mounted Crash-Activated Radio Device. Filed 17 Nov. 72, PC $3.00/MF $1.45.

Patent Application 332,529: Temperature Measurement System. Filed 14 Feb. 73, PC $3.00/MF $1.45.

Patent Application 350,300: Apparatus and Method of Molding. Filed 11 Apr. 73, PC $3.00/MF $1.45.

Patent Application 379,049: Evacuated Displacement Compression Molding. Filed 13 July 73, PC $3.00/MF $1.45.

Patent Application 386,793: Holographic System for Nondestructive Testing. Filed 8 Aug. 73, PC $3.00/MF $1.45.

Patent Application 387,094: A Guide for a Typewriter. Filed 9 Aug. 73, PC $3.00/MF $1.45.

Patent Application 389,916: Variable Ratio Mixed-Mode Bilateral Master-Slave Control System for Shuttle Remote Manipulator System. Filed 20 Aug. 73, PC $3.25/MF $1.45.

Patent Application 390,466: A Method for Making Conductors for Ferrite Memory Arrays. Filed 22 Aug. 73, PC $3.00/MF $1.45.

Patent Application 390,467: Raw Liquid Waste Treatment System and Process. Filed 22 Aug. 73, PC $3.25/MF $1.45.

Patent Application 392,823: Remote Fire Stack Igniter. Filed 29 Aug. 73, PC $3.00/MF $1.45.

Patent Application 393,523: Material Suspension within an Acoustically Excited Resonant Chamber. Filed 31 Aug. 73, PC $3.50/MF $1.45.

Patent Application 393,525: Apparatus for Forming Drive Belts. Filed 31 Aug. 73, PC $3.25/MF $1.45.

Patent Application 395,687: Shock Absorbing Mount for Electrical Components. Filed 10 Sept. 73, PC $3.00/FM $1.45.

Patent 3,395,565: Gauge Calibration by Diffusion. Patented 6 Aug. 68, Not available NTIS.

Patent 3,446,075: Apparatus for Absolute Pressure Measurement. Patented 27 May 69, Not available NTIS.

Patent 3,745,082: Semiconductor Surface Protection Material. Patented 10 July 73, Not available NTIS.

Patent 3,745,410: Driving Lamps by Induction. Patented 10 July 73, Not available NTIS.

Patent 3,745,475: Measurement System. Patented 10 July 73, Not available NTIS.

Patent 3,748,853: Swirl Can Primary Combustor. Patented 31 July 73, Not available NTIS.

Patent 3,748,905: Vacuum Probe Surface Sampler. Patented 31 July 73, Not available NTIS.

Patent 3,749,123: Dual Stage Check Valve. Patented 31 July 73, Not available NTIS.

Patent 3,749,156: Thermal Control System for a Spacecraft Modular Housing. Patented 31 July, 1973, Not available NTIS.

Patent 3,749,205: Metal Shearing Energy Absorber. Patented 31 July 73, Not available NTIS.

Patent 3,749,362: Fastener Stretcher. Patented 31 July 73, Not available NTIS.

Patent 3,749,911: Collimator of Multiple Plates with Axially Aligned Identical Random Arrays of Apertures. Patented 31 July 73, Not available NTIS.

Patent 3,750,016: Rf-Source Resistance Meters. Patented 31 July 73, Not available NTIS.
Patent 3,750,067: Ferrofluidic Solenoid. Patented 31 July 73, Not available NTIS.
Patent 3,750,131: Silent Emergency Alarm System for Schools and the Like. Patented 31 July 73, Not available NTIS.
Patent 3,750,168: Apparatus for Aiding a Pilot in Avoiding a Midair Collision Between Aircraft. Patented 31 July 73, Not available NTIS.
Patent 3,751,123: Low Mass Rolling Element for Bearings. Patented 7 Aug. 73, Not available NTIS.
Patent 3,752,559: Ritchey-Chretien Telescope. Patented 14 Aug. 73, Not available NTIS.
Patent 3,752,564: Optical Data Processing Using Paraboloidal Mirror Segments. Patented 14 Aug. 73, Not available NTIS.
Patent 3,752,986: Compton Scatter Attenuation Gamma Ray Spectrometer. Patented 14 Aug. 73, Not available NTIS.
Patent 3,752,993: Spacecraft Attitude Sensor. Patented 14 Aug. 73, Not available NTIS.
Patent 3,744,912: Holographic Thin Film Analyzer. Patented 10 July 73, Not available NTIS.

[FR Doc.73-26204 Filed 12-11-73;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,725,659: Thermoluminescence Dosimeter System. Filed 16 Mar. 71, patented 3 Apr. 73, Not available NTIS.
Patent 3,736,429: Random Source Interrogation System. Filed 26 June 72, patented 29 May 73, Not available NTIS.
Patent 3,737,789: Count Rate Discriminator. Filed 21 Dec. 71, patented 5 June 73, Not available NTIS.
Patent 3,738,171: Attenuation Compensation for Ultrasonic Thermometers. Filed 26 Apr. 72, patented 12 June 73, Not available NTIS.
Patent 3,740,554: Multi-Ampere Duopigatron Ion Source. Filed 13 Apr. 72, patented 19 June 73, Not available NTIS.

DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Street NW, Washington, D.C. 20240

Patent 3,761,713: Method of Detecting Loose Rock. Filed 13 July 71, patented 25 Sept. 73, Not available NTIS.
Patent 3,763,055: Microporous Support for Reverse Osmosis Membranes. Filed 7 July 71, patented 2 Oct. 73, Not available NTIS.
Patent 3,763,493: Recovery of Nickel and Cobalt. Filed 31 Aug. 72, patented 9 Oct 73, Not available NTIS.
Patent 3,764,540: Magnetofluids and Their Manufacture. Filed 28 May 71, patented 9 Oct. 73, Not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,701,147: Surface Wave Devices for Signal Processing. Filed 3 Feb. 71, patented 24 Oct. 72, Not available NTIS.
Patent 3,701,152: Bipolar Sample and Hold Circuit. Filed 20 July 70, patented 24 Oct. 72, Not available NTIS.
Patent 3,701,954: Adjustable Pulse Train Generator. Filed 7 July 71, patented 31 Oct. 72, Not available NTIS.
Patent 3,702,395: Condenser System for High Intensity Light Source. Filed 9 Oct. 70, patented 7 Nov. 72, Not available NTIS.
Patent 3,702,597: Salvage Work Vehicle. Filed 7 Apr. 71, patented 14 Nov. 72. Not available NTIS.
Patent 3,703,012: Close Packing of Uniform Size Spheres. Filed 12 Dec. 69, patented 21 Nov. 72. Not available NTIS.
Patent 3,703,719: Sequence Matrix. Filed 31 May 67, patented 21 Nov. 72. Not available NTIS.
Patent 3,703,894: Rigid Foam Polyurethane Hand Splint. Filed 16 Feb. 71, patented 28 Nov. 72. Not available NTIS.
Patent 3,703,968: Linear Linkage Manipulator Arm. Filed 20 Sept. 71, patented 28 Nov. 72. Not available NTIS.
Patent 3,704,420: Automatic Frequency Control for Suppressed Carrier Receivers. Filed 20 July 70, patented 28 Nov. 72. Not available NTIS.
Patent 3,704,463: Direction Finding Antenna System. Filed 2 June 70, patented 28 Nov. 72. Not available NTIS.
Patent 3,704,673: Light Weight Pallet Construction. Filed 20 Jan 71, patented 5 Dec. 72, Not available NTIS.
Patent 3,704,966: Method and Apparatus for Rock Excavation. Filed 13 Sept. 71, patented 5 Dec. 72. Not available NTIS.
Patent 3,706,535: Carbon Monoxide Burner for Undersea Habitats. Filed 23 Nov. 70, patented 19 Dec. 72. Not available NTIS.
Patent 3,706,621: Vacuum Process for Application of Sheet Coatings. Filed 7 Jan. 70, patented 19 Dec. 72. Not available NTIS.
Patent 3,706,651: Apparatus for Electroplating a Curved Surface. Filed 30 Dec. 70, patented 19 Dec. 72. Not available NTIS.
Patent 3,706,691: Depotting Solvent. Filed 4 Sept. 70, patented 19 Dec. 72. Not available NTIS.
Patent 3,706,772: Fluorodiglycidyl Ethers. Filed 23 Mar. 71, patented 19 Dec. 72. Not available NTIS.
Patent 3,706,932: Amplitude Independent, Automatic Frequency Control/Discriminator. Filed 7 Jan. 71, patented 19 Dec. 72. Not available NTIS.
Patent 3,706,967: Underwater Acoustic Projector. Filed 21 Jan. 71, patented 19 Dec. 72. Not available NTIS.
Patent 3,707,483: Flourinated Monoglycidyl Ethers. Filed 4 Feb. 71, patented 26 Dec. 72. Not available NTIS.
Patent 3,711,139: Pressure Actuated Spring Biased Latch. Filed 20 Aug. 71, patented 16 Jan. 73. Not available NTIS.
Patent 3,711,351: Method of Impregnating Inorganic Filament Strands. Filed 9 Sept. 70, patented 16 Jan. 73. Not available NTIS.
Patent 3,711,514: Highly Flourinated Alkyl Esters of Trimellitic Acid Anhydride and Method for their Production. Filed 12 Feb. 70, patented 16 Jan. 73. Not available NTIS.
Patent 3,711,586: Method of Increasing Tensile Strength of Plastic Materials. Filed 18 Mar. 71, patented 16 Jan. 73. Not available NTIS.
Patent 3,712,131: Heat Flux Indicator. Filed 22 Feb. 71, patented 23 Jan. 73. Not available NTIS.
Patent 3,713,034: Audio Signal Controlled Amplitude Modulation Circuit of Square Wave Output. Filed 26 Oct. 71, patented 23 Jan. 73. Not available NTIS.
Patent 3,713,394: Smoke Signal Device. Filed 1 Mar. 71, patented 30 Jan. 73. Not available NTIS.
Patent 3,713,414: System for Attachment to and Lifting of Objects from Deep Water. Filed 26 Aug. 65, patented 30 Jan. 73. Not available NTIS.
Patent 3,713,548: Folded Tensioned Highline System. Filed 21 Oct. 71, patented 30 Jan. 73. Not available NTIS.
Patent 3,713,636: Incendiary Cutting Torch for Underwater Use. Filed 22 Sept. 70, patented 30 Jan. 73. Not available NTIS.
Patent 3,713,750: Circulation Control Rotor System. Filed 7 Dec. 70, patented 30 Jan. 73. Not available NTIS.
Patent 3,714,430: Photoelement Intense Radiation Protective Device. Filed 19 May 67, patented 30 Jan. 73. Not available NTIS.
Patent 3,721,994: Dual Visor Headgear. Filed 29 Mar. 71, patented 27 Mar. 73. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent Application 253,725: Three-Axis, Adjustable Loading Structure. Filed 16 May 72. PC $3.00/MF $1.45.
Patent Application 280,029: Bimetallic Fluid Displacement Apparatus. Filed 11 Aug. 72. PC $3.00/MF $1.45.
Patent Application 280,032: Heater-Mixer for Stored Fluids. Filed 11 Aug. 72. PC $3.00/MF $1.45.
Patent Application 310,193: Photomultiplier Circuit Including Means for Rapidly Reducing the Sensitivity Thereof. Filed 28 Nov. 72. PC $3.00/MF $1.45.
Patent Application 321,180: Single Wing Supersonic Aircraft. Filed 5 Jan. 73. PC $4.00/MF $1.45.
Patent Application 387,095: An Improved System for Enhancing Tool Exchange Capabilities of a Portable Wrench. Filed 9 Aug. 73. PC $3.25/MF $1.45.
Patent Application 386,790: Automatically Operable Self-Leveling Load Table. Filed 8 Aug. 73. PC $3.25/MF $1.45.
Patent 3,452,103: Fluorohydroxy Ethers. Patented 24 June 69. Not available NTIS.
Patent 3,463,761: Polyurethanes of Fluorine Containing Polycarbonates. Patented 26 Aug. 69. Not available NTIS.
Patent 3,463,762: Polyurethanes from Fluoroalkyl Propyleneglycol Polyethers. Patented 26 Aug. 69. Not available NTIS.
Patent 3,475,384: Fluorine Containing Polyurethane. Filed 28 Oct. 69. Not available NTIS.
Patent 3,577,356: Highly Flourinated Polymers. Patented 4 May 71. Not available NTIS.

Patent 3,745,352: Radiation Sensitive Solid State Switch. Patented 10 July 73. Not available NTIS.
Patent 3,746,998: Automatic Carrier Acquisition System. Patented 17 July 73. Not available NTIS.
Patent 3,749,831: Television Multiplexing System. Patented 31 July 73. Not available NTIS.
Patent 3,751,913: Barium Release System. Patented 14 Aug. 73. Not available NTIS.
Patent 3,752,847: Fluorinated Esters of Polycarboxylic Acids. Patented 14 Aug. 73. Not available NTIS.
Patent Application 287,149: Stagnation Pressure Probe; filed 7 September 72, PC $3.00/MF $1.45.
Patent Application 294,727: Nuclear Thermionic Converter; Filed 3 October 72; PC $3.00/MF $1.45.
Patent Application 301,417: Auditory Display for the Blind; Filed 27 October 72; PC $3.00/MF $1.45.
Patent Application 307,727: Rotating Raster Generator; Filed 17 November 72; PC $3.50/MF $1.45.
Patent Application 317,567: Method of Producing a Storage Bulb for an Atomic Hydrogen Maser; Filed 22 December 72; PC $3.00/MF $1.45.
Patent Application 327,921: Circuit for Detecting Initial Systole and Dicrotic Notch; Filed 30 January 73; PC $3.00/MF $1.45.
Patent Application 328,792: Strain Gauge Ambiguity Sensor for Segmented Mirror Active Optical System; Filed 1 February 73; PC $3.00/MF $1.45.
Patent Application 331,760: Specific Wavelength Colorimeter; Filed 13 February 73; PC $3.50/MF $1.45.
Patent Application 289,018: Deployable Flexible Ventral Fins for Use as an Emergency Spin Recovery Device in Aircraft; Filed 14 September 72; PC $3.00/MF $1.45.
Patent Application 298,156; Duplex Aluminized Coatings. Filed 16 October 72; PC $3.00/MF $1.45.
Patent Application 301,418: Miniature Ingestible Telemeter Devices to Measure Deep Body Temperature. Filed 27 October 72; PC $3.00/MF $1.45.
Patent Application 316,618: Gas Turbine Exhaust Nozzle. Filed 19 December 72; PC $3.00/MF $1.45.
Patent Application 326,326: Method and Device for Detection of Surface Discontinuities or Defects. Filed 24 January 73; PC $3.25/MF $1.45.
Patent Application 327,982: Formaldehyde Base Disinfectants. Filed 30 January 73; PC $3.00/MF $1.45.
Patent Application 329,243: Solid Propellant and Method of Preparation. Filed 2 February 73; PC $3.25/MF $1.45.
Patent Application 340,864: Method of Fabricating an Object With a Thin Wall Having a Precisely Shaped Slit. Filed 13 March 73; PC $3.00/MF $1.45.
Patent Application 343,607: Thrust Isolating Mounting. Filed 21 March 73; PC $3.75/MF $1.45.
Patent Application 352,382: Continuous Fourier Transform Method and Apparatus. Filed 18 April 73; PC $3.25/MF $1.45.
Patent Application 346,341: Hollow Rolling Element Bearings. Filed 30 March 73; PC $3.00/MF $1.45.

[FR Doc.73-26205 Filed 12-11-73;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE ARMY, Chief, Patents Division, Pentagon, Office of the Judge Advocate General, Patent Division Rm. 2C-455, Washintgon, D.C. 20310.

Patent 3,715,668: Air-Launched Radio Apparatus. Filed 26 Sept. 67, patented 6 Feb. 73. Not available NTIS.
Patent 3,715,689: Wideband Microwave Power Divider. Filed 10 Feb. 72, patented 6 Feb. 73. Not available NTIS.
Patent 3,715,692: Microstrip-Slot Line Phase Shifter. Filed 10 Jan. 72, patented 6 Feb. 73. Not available NTIS.
Patent 3,717,580: Method of Disinfecting and Self-Limiting Solution Therefor. Filed 2 Dec. 69, patented 20 Feb. 73. Not available NTIS.

ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,725,294: Method for Dissolving Plutonium Dioxide. Filed 27 Jan. 72, patented 3 Apr. 73. Not available NTIS.
Patent 3,730,833: Scavengers for Radioactive Iodine. Filed 17 May 71, patented 1 May 73. Not available NTIS.
Patent 3,733,265: Cross-Flow Filtration Process for Removal of Total Organic Carbon and Phosphates from Aqueous Sewage Effluents. Filed 22 Nov. 71, patented 15 May 73. Not available NTIS.
Patent 3,733,760: Reactor Vessel. Filed 5 Mar. 70, patented 22 May 73. Not available NTIS.
Patent 3,736,658: Thermionic Gas-Pressure-Bonded Sheathed Insulators and Method of Producing Same. Filed 12 Oct. 70, patented 5 June 73. Not available NTIS.
Patent 3,742,219: High Energy Neutral Particle Beam Source. Filed 23 June 71, patented 26 June 73. Not available NTIS.

DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washintgon, D.C. 20240.

Patent Application 393,385: Recovery of Sulfur. Filed 31 Aug. 73, PC $3.00/MF $1.45.
Patent 3,760,868: Disposal of Waste Heat. Filed 28 Jan. 71, patented 25 Sept. 73. Not available NTIS.
Patent 3,760,949: Sealing Means for Hollow Fiber Bundles. Filed 13 Aug. 71, patented 25 Sept. 73. Not available NTIS.
Patent 3,761,622: Amplitude Modulated Telemetering System. Filed 23 Nov. 70, patented 25 Sept. 73. Not available NTIS.
Patent 3,761,708: Electron Suppressor Grid for a Mass Spectrometer. Filed 8 Oct. 71, patented 25 Sept. 73. Not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,712,232: Variable Delay Fuse for Aircraft Parachute Flare. Filed 23 Oct. 68, patented 23 Jan. 73, Not available NTIS.
Patent 3,714,069: Corrosion Preventing Composition. Filed 17 Dec. 70, patented 30 Jan. 73, Not available NTIS.
Patent 3,714,189: Phenylated Pyromellitimides. Filed 22 July 71, patented 30 Jan. 73, Not available NTIS.
Patent 3,714,498: Television camera. Filed 16 Feb. 70, patented 30 Jan. 73, Not available NTIS.
Patent 3,714,552: Method of Reducing Errors Arising from the Radio Frequency Oscillator System of Optically Pumped Magnetometers. Filed 19 Jan. 72, patented 30 Jan. 73, Not available NTIS.
Patent 3,714,601: Variable Direct Current Bias Control Circuit for Linear Operation of Radio Frequency Power Transistors. Filed 14 Oct. 71, patented 30 Jan. 73, Not available NTIS.
Patent 3,714,661: Method and Apparatus for Coupling Multiple Power Sources to Single Radiating Antenna. Filed 24 Jan. 72, patented 30 Jan. 73, Not available NTIS.
Patent 3,714,777: Pressure Differential Limiter. Filed 6 July 70, patented 6 Feb. 73, Not available NTIS.
Patent 3,714,830: Water Sampling Device. Filed 26 Mar. 71, patented 6 Feb. 73, Not available NTIS.
Patent 3,715,574: Interface Converter for Feeding High Frequency signals into low Frequency Circuits. Filed 21 July 71, patented 6 Feb. 73, Not available NTIS.
Patent 3,715,654: Crystal Magnetometer and Gradiometer. Filed 4 June 70, patented 6 Feb. 73, Not available NTIS.
Patent 3,715,748: Method and Apparatus for Measuring the Intensity of Atmospheric Turbulence. Filed 30 Apr. 71, patented 6 Feb. 73, Not available NTIS.
Patent 3,716,424: Method of Preparation of Lead Sulfide PN Junction Diodes. Filed 2 Apr. 70, patented 13 Feb. 73, Not available NTIS.
Patent 3,716,711: Water Level Gauge Using Neutron Source. Filed 18 June 71, patented 13 Feb. 73, Not available NTIS.
Patent 3,718,570: Cathodic Protection Anode With Sections Replaceable Underwater. Filed 1 June 70, patented 27 Feb. 73, Not available NTIS.
Patent 3,719,610: Low Loss Electrical Conductive Coating and Bonding Materials Including Magnetic Particles for Mixing. Filed 4 Aug. 71, patented 6 Mar. 73, Not available NTIS.
Patent 3,720,093: Carbon Dioxide Indicating Meter. Filed 3 Dec. 70, patented 13 Mar. 73, Not available NTIS.
Patent 3,720,101: Automatic Spring Rate Plotter. Filed 23 July 71, patented 13 Mar. 73, Not available NTIS.
Patent 3,720,166: Apparatus and Method for Terrain Clearance. Filed 2 Aug. 71, patented 13 Mar. 73, Not available NTIS.
Patent 3,720,611: Gelation Inhibited Silicone Fluids. Filed 23 Mar. 71, patented 13 Mar. 73, Not available NTIS.
Patent 3,720,639: Fluorinated Polyols. Filed 24 June 71, patented 13 Mar. 73, Not available NTIS.
Patent 3,720,736: Process for the Synthesis of Dihydro Carbonphosphinates. Filed 17 Mar. 70, patented 13 Mar. 73, Not available NTIS.
Patent 3,720,834: High Power Infrared Imaging Device. Filed 15 June 71, patented 13 Mar. 73, Not available NTIS.
Patent 3,721,207: Collection and Disposal of Ship's Sewage. Filed 15 Apr. 71, patented 20 Mar. 73, Not available NTIS.
Patent 3,721,408: Variable Mode Sling for Helicopter Recovery Systems. Filed 19 Nov. 71, patented 20 Mar. 73, Not available NTIS.

Patent 3,721,500: Instrument for Measuring the Depolarization of Backscattered Light. Filed 6 Aug. 71, patented 20 Mar. 73. Not available NTIS.

Patent 3,721,763: Single Line Bi-Directional Data Transmission System. Filed 29 July, 71, patented 20 Mar. 73, Not available NTIS.

Patent 3,721,764: Auditory Test Facility with Multistage Single Sideband Heterodyning. Filed 14 Jan. 70, patented 20 Jan. 73, Not available NTIS.

Patent 3,722,967: Low Heat Generation Turbine Engine Bearing. Filed 26 Oct. 71, patented 27 Mar. 73, Not available NTIS.

Patent 3,723,207: Process for Preparing Stable Essentially Water-Free slurries of Nitrocellulose and Products Thereof. Filed 23 Oct. 70, patented 27 Mar. 73, Not available NTIS.

[FR Doc.73-26206 Filed 12-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act, Pub. L. 92-463, that the next meeting of the National Advisory Council on Extension and Continuing Education will be held on January 10-11, 1974, at the Shoreham Americana Hotel in Washington, D.C. The meetings on both days will begin at 9:00 a.m. local time.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-239. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council shall be open to the public. The agenda for the meeting will include such topics as: Progress on the Title I Evaluation; Education for Minority Businesses; Community Service Programs for the Arts and the Humanities; and Education and Training for Government Employees. All records of Council proceedings are available for public inspection at the office of the Council's Executive Director, located in Suite 710, 1325 G Street, NW., Washington, D.C.

EDWARD A. KIELOCK,
Executive Director.

DECEMBER 6, 1973.

[FR Doc.73-26297 Filed 12-11-73;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL SUBCOMMITTEE ON EVALUATION

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Evaluation will meet on December 16, 1973. This Subcommittee was formed to review issues of importance in the implementation of Title XI, Part B, Social Security Act with respect to Evaluation. The meeting will be held at the Marriott-O'Hare Hotel, Chicago, Illinois, from 9:30 a.m. to 4:00 p.m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will consist of discussions of the Evaluation Report to last Council meeting and PSRO Evaluation plan. The meeting is open to the public.

Dated: December 5, 1973.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.73-26263 Filed 12-11-73;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Statement of Organization, Functions and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to add a new Section 1T20 to reflect the establishment of a special staff, the Personnel-Payroll Systems Integration (PPSI) Staff. The new section reads as follows:

1T01007.00 *Mission.* The Personnel-Payroll Systems Integration (PPSI) Staff is a special staff which has been established to (1) expand the OPT terminal system to capture the full range of field input for the DHEW Payroll, Personnel and Agency systems; (2) coordinate and implement as required, modifications to the Payroll or Personnel Systems generated by the terminal expansion; (3) make sure the terminal system provides direct communication with the central DHEW computers; (4) eventually assume full responsibility for terminal operation; (5) improve the performance and quality of both the Payroll and Personnel systems through eventual integration and reduction in data redundancy; and (6) define and implement the working environment and prepare manuals for use by Personnel Offices using the expanded terminal system.

1T01007.10 *Organization.* The Personnel-Payroll Systems Integration Staff is under the direction of a Director who reports directly to the Deputy Assistant Secretary for Administration and Management. The Staff consists of:

Payroll Liaison Section
Personnel Liaison Section
Systems Development Section

1T01007.20 *Functions*—A. *Payroll Liaison Section.* Is responsible for: (1) Liaison with the Director, Division of Central Payroll (or his designee) on all matters that will affect either Payroll Operations or Payroll System functions; (2) serve as primary consultant to the Director of the Systems Integration Staff on the detail design and operation of the DHEW Payroll System; (3) prepare all specifications, change notices, documentation, and manualization associated with data input to the Payroll System; and (4) serve as lead analyst on Payroll System related activities.

B. *Personnel Liaison Section.* Is responsible for: (1) Liaison with the Deputy Assistant Secretary for Personnel and Training (or his designee) on all matters that will affect either Personnel Operations or Personnel Data System functions; (2) serve as primary consultant to the director of the Systems Integration Staff on the detail design and operation of the DHEW Personnel Data System; (3) prepare all specifications, change notices, documentation, and manualization associated with data input to the Personnel Data System; and (4) serve as lead analyst on Personnel System related activities.

C. *Systems Development Section.* Is responsible for: (1) Designing, developing, implementing, and documenting all computer systems that result from the efforts of the Systems Integration Staff; and (2) insuring that all such systems have the prior approval of the Director, Division of Central Payroll and the Deputy Assistant Secretary for Personnel and Training before implementation

Dated: November 19, 1973.

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

[FR Doc.73-26264 Filed 12-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ALASKA

Notice of Proposed Action Plan

The Alaska Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Alaska Department of Highways, Headquarters Office, P.O. Box 589, Third Street, Douglas, Alaska 99824.

2. Alaska Department of Highways, Central District—Anchorage, P.O. Box 8869, 5700 Tudor Road, Anchorage, Alaska 99508.
3. Alaska Department of Highways, Interior District—Fairbanks, 2301 Pegar Road, Fairbanks, Alaska 99701.
4. Alaska Department of Highways, Southeastern District—Juneau, P.O. Box 3-1000, 1590 Glacier Avenue, Juneau, Alaska 99801.
5. Alaska Department of Highways, Western District—Nome, P.O. Box 220, Nome, Alaska 99762.
6. Alaska Department of Highways, South Central District—Valdez, P.O. Box 507, Valdez, Alaska 99686.
7. Alaska Division Office—FHWA, Federal Building, 709 West Ninth Street, P.O. Box 1648, Juneau, Alaska 99801.
8. FHWA Regional Office—Region 10, 412 Mohawk Building, 222 S. W. Morrison Street, Portland, Oregon 97204.
9. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before December 28, 1973.

Issued on December 3, 1973.

R. R. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-26267 Filed 12-11-73;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX73-5; Notice 3]

INTERMECCANICA AUTOMOBILI

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Intermeccanica Automobili has supplemented its previous petition for temporary exemption of its Indra passenger car from compliance with Standards Nos. 201, 212, 215 and 301 on grounds of substantial economic hardship. Notices of the original petition and denial were published on June 19, 1973 (38 FR 15989) and September 17, 1973 (38 FR 26014), and the contents of these notices should be considered together with this notice.

NHTSA denied the original petition on the basis that the applicant had failed to supply the information required under 49 CFR Part 555. Although petitioner stated its belief in compliance with Standards Nos. 201, 212, and 301 it submitted no factual data to substantiate its belief. Additionally, it failed to submit an analysis of the estimated cost to verify conformance with these standards. With respect to Standard No. 215, the petitioner failed to submit a chronological analysis of its efforts to comply, showing the relationship of the efforts to the rulemaking history of Standard No. 215.

Intermeccanica has now submitted information upon which judgment may be made. Total testing costs to verify compliance with Standard No. 201 are estimated at $12,000. The cost estimate of inventory disposal and new dashboard tooling is $79,000 and the company would require at least 24 months leadtime for interior redesign. A 30-mph frontal barrier test to verify conformance with Standard Nos. 212 and 301 is estimated to cost more than $17,000. The company has submitted descriptive information to support its belief of compliance with these standards. The company also states that the design of the Indra was finalized and prototype construction was begun shortly before November 1970 when Standard No. 215 was proposed, and production of some of the vehicle components had begun by April 1971 when the standard was issued. The car was designed for the German market, intended for distribution through selected Opel dealers, and the manufacturer states it was not aware of the proposal or standard "till sometime after the fact".

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Intermeccanica described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: January 14, 1974.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on December 7, 1973.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.73-26302 Filed 12-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GENERAL ELECTRIC

Change in Meeting Location

DECEMBER 10, 1973.

The notice published at 38 FR 33517, December 5, 1973, is hereby revised to change the location of the Advisory Committee on Reactors Safeguards' Subcommittee Meeting for December 18, 1973, on the General Electric Company from the Ramada Inn, 3737 Quebec Street, Denver, Colorado, to Room 1046, 1717 H Street NW., Washington, D.C.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-26406 Filed 12-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 73-12-13]

DEPARTMENT OF DEFENSE

Order Granting Extension of Temporary Relief

Issued under delegated authority December 4, 1973.

Extension of temporary relief granted to certain unauthorized indirect air carriers to transport household goods for the Department of Defense.

From time to time, at the request of the Department of Defense (DOD) the Board has granted relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 40 unauthorized indirect air carriers to transport used household goods [1] of Department of Defense personnel. A condition for obtaining such relief was that the firm seeking it have on file with the Board an application for air freight forwarded authority. The relief was to expire 180 days after the Board's decision in the Household Goods Air Freight Forwarder Investigation, Docket 20812, became final [2] or, as to each individual company, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first.[3]

Since the processing of a number of the applications could not be concluded prior to the expiration of the temporary relief and the Department of the Army, acting in behalf of DOD, requested extension of such relief, the Board extended the temporary relief for 90 days.[4] Supplemental extensions were granted [5] and such relief is to expire on December 16, 1973.

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] Order on reconsideration issued October 16, 1972. Temporary relief was to expire April 16, 1973.

[3] Order 71-10-56, dated October 13, 1971.

[4] Order 73-4-57, dated April 12, 1973.

[5] Order 73-7-56, dated July 13, 1973, and Order 73-9-53, dated September 13, 1973.

Delays have been encountered in resolving control and/or interlocking relationship matters, some of which are complex. As a result, the applications of the four applicants named in the appendix below will not be completed prior to expiration of the extended deadline. Furthermore, by letter dated July 6, 1973, the Department of the Army requested an extension of the temporary relief for a reasonable period in those cases where processing could not be completed by the time limit previously set. We construe that letter to be a request for whatever additional extension of the temporary relief is necessary to complete the processing.

In view of these circumstances and DOD's request, it is found, pursuant to authority delegated by the Board, that further extension of the temporary relief to those carriers named in the appendix below is in the public interest, and that such relief should be extended to March 18, 1974.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the carriers listed in the appendix hereto are hereby relieved from the provisions of Title IV of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by the Department;

2. That the relief granted herein shall become effective December 17, 1973 and terminate on March 18, 1974, or as to each individual company named in the appendix hereto, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and the companies listed in the appendix hereto.

This order shall be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file their petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX

Astro Van-Pak, Inc.
621 South Picket Street
Alexandria, Virginia 22304

Garrett Forwarding Company
2055 Garrett Way
P.O. Box 4048
Pocatello, Idaho 83201

Pyramid Van Lines, Inc.
479 South Airport Boulevard
South San Francisco, California 94080

Smyth Worldwide Movers, Inc.
11616 Aurora Avenue, North
Seattle, Washington 98133

[FR Doc.72-26307 Filed 12-11-73;8:45 am]

[Dockets Nos. 26039, 26145; Order 73-12-28]

LOCAL SERVICE CARRIERS AND ALLEGHENY AIRLINES, INC.

Order Regarding Reduction of Frequencies and Fuel Shortages

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of December, 1973.

On October 25, 1973, the Board issued Order 73-10-94, as amended by Order 73-11-20, November 6, 1973, and a Notice of Proposed Rulemaking, EDR-256, both of which concern the serious fuel shortage now faced by the airlines. The order, as amended, grants interim exemption authority to the local service carriers to reduce frequencies at many points pending the outcome of the rule making procedure. The ultimate effect is to relax the standard skip-stop condition which generally requires that intermediate stations on local service routes receive two daily round trips before overflight.

On November 25, 1973, the President of the United States announced that the Administration would take certain steps under the authority of the Economic Stabilization Act of 1970 and the Defense Production Act of 1950 to alleviate further the anticipated effects of the fuel shortage. Among the steps to be taken is the reduction of the current allocation of jet fuel. Beginning December 1, 1973, domestic airlines will be allocated five percent less than their respective 1972 levels and beginning January 7, 1974, they will be allocated 15 percent less than their 1972 levels. Thus, it appears that the shortage will be more acute than we had originally anticipated.

In view of the foregoing and for the reasons stated in Order 73-10-94 and EDR-256, we have decided to permit the local service carriers to reduce service at all intermediate points to one round trip five days per week. Accordingly, we will further liberalize the skip-stop condition until such time as the aviation fuel shortage is alleviated.[1] In conjunction with this order we are issuing a Supplemental Notice of Proposed Rulemaking, designated EDR-256A, which incorporates the permissive authority granted herein and which provides a new deadline for comments.

We turn now to Allegheny's application in Docket 26145 for an emergency exemption. This filing was prompted by the carrier's belief that Order 73-10-94 required the local service carriers to maintain five-day service on each segment so that, if a station appears on two or more segments, it would receive ten or more round trips per week. Although this was our intention, it now appears that more flexibility is mandated and that each point should receive service over the routing that is most appropriate in terms of traffic flow, fuel availability and other relevant considerations. As the instant order makes clear, reductions to one round trip five days per week at intermediate points may be made by the carriers without regard to segmentation. Any other interpretation would place those carriers with segmented certificates[2] in a less flexible and fundamentally unfair position vis-a-vis those carriers with realigned, one-segment certificates.[3] On the assumption that this order resolves the problem, we will dismiss Allegheny's application as moot.

Accordingly, it is ordered, That:

1. Ordering paragraph 1 of Order 73-10-94, October 25, 1973, be and it hereby is amended to read as follows:

1. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways Inc. and Texas International Airlines, Inc. be and they hereby are exempted from the provisions of section 401 of the Federal Aviation Act of 1958, the terms, conditions, and limitations of their respective certificates of public convenience and necessity and Part 202 of the Board's Economic Regulations insofar as those provisions would otherwise prevent the carriers from omitting service to each intermediate point named in their respective certificates after the holder has scheduled at least one round trip five days per week at each such point, notwithstanding the fact that a point may appear on more than one segment;

2. The application of Allegheny Airlines, Inc. in Docket 26145 be and it hereby is dismissed; and

3. Copies of this order shall be served upon all scheduled certificated air carriers and upon the Department of Transportation, the Department of the Interior and the U.S. Postal Service.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26310 Filed 12-11-73;8:45 am]

[Docket No. 23080-1; Order 73-12-11]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of December, 1973.

By Order 73-11-91, dated November 20, 1973, the Board established final domestic service mail rates for the certificated air carrier parties to Docket 23080-1 for the period December 12, 1970, through March 27, 1973. Rates remain to be established for certain routes served by 28

[1] We find, as we did in Order 73-10-94, that enforcement of section 401 of the Act, the terms, conditions and limitations of their certificates and the existing provisions of 14 C.F.R. Part 202, insofar as they would prevent the relaxation of the local service carriers' skip-stop requirements, would constitute an undue burden upon the carriers by reason of the unusual circumstances affecting their operations during the fuel shortage and would not be in the public interest.

[2] *I.e.*, Allegheny, Frontier, North Central, Ozark and Southern.

[3] *I.e.*, Hughes Airwest, Piedmont and Texas International.

air-taxi operators and commuter carriers and Pacific Southwest Airlines, Inc., which are parties to this proceeding.

The Board therefore proposes to issue an order adopting the following findings and conclusions:

1. The fair and reasonable rates to be paid for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith,

(a) To Air East, Inc., Air Indies Corporation, Air Midwest, Inc., Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., Fischer Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi Valley Airway, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Airlines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., and Vercoa Air Service, Inc., over their routes specified in Orders 70-4-98, 70-8-43, 70-9-161, 70-10-111, 70-5-16, 69-7-73, 69-8-121, 70-5-73, 69-12-18, 70-2-117, 70-10-25, 70-6-107, 70-1-21, 69-3-72, 69-7-72, 69-10-42, 70-1-31, 70-4-145, 69-7-3, E-26998, 69-8-96, E-26189, 69-6-16, 70-7-43, 70-3-146, 70-7-45, 70-11-1, 69-6-131, 70-4-143, 69-11-26, 68-9-21, 70-10-2, 69-6-41, E-26701, 69-6-139, 69-9-121, and 68-10-11, and subject to the conditions in those orders, from December 12, 1970 through March 27, 1973, and

(b) To Air Indies Corporation, Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Executive Airlines, Inc., Hub Airlines, Inc., Pilgrim Aviation and Airlines, Inc., and Wright Air Lines, Inc., over their routes specified in Orders 71-3-65, 71-8-25, 71-3-35, 71-7-180, 71-2-66, 71-2-73, 71-4-105, and 71-6-14, from the dates and subject to the conditions specified in those orders through March 27, 1973, are the rates established by Orders E-25610 and 70-4-9 as amended by Order 73-11-91, dated November 20, 1973.

2. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

3. The investigation in Docket 23080-1 is terminated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302:

It is ordered That:

1. All interested persons, and particularly Air East, Inc., Air Indies Corporation, Air Midwest, Inc., Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., Fischer Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi Valley Airways, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pilgrim Aviation and Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Airlines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., Vercoa Air Service, Inc., Wright Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the final rates specified above.

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the final rates and incorporating the findings and conclusions stated herein.

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR § 302.307.

5. This order shall be served upon the parties enumerated in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26308 Filed 12-11-73;8:45 am]

[Docket No. 26196; Order 73-12-22]

UNITED AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of December, 1973.

By tariff revision[1] bearing the posted date of November 7 and marked to become effective December 22, 1973, United Air Lines, Inc. (United) proposes to establish provisions under "Qualified Acceptance of Shipments" which provides that all articles subject to the Restricted Articles Tariff[2] must not be included in the same shipment with any other article.

A complaint requesting suspension pending investigation has been filed by Shulman Air Freight, Inc. (Shulman), an air freight forwarder. Shulman asserts, inter alia, that the proposal does not satisfy the requirements of § 221.165 because United's justification contains only vague allegations about the difficulty or impossibility of maintaining the appropriate surveillance on restricted articles when those articles are combined in one shipment with non-restricted articles; that if a shipment is accurately described and does not contain information as to restricted articles, it is inconceivable that United would have any better control over it on a separate airbill; and, that based on a two-day study of consolidations it tendered to all airlines, the proposal will result in a very substantial increase in shipper charges and may have an adverse effect on air cargo transportation.

In support of the proposal, United asserts, inter alia, that the new provisions will help eliminate any unintentional non-compliance with the requirements of the Restricted-Articles Tariff caused by the carrier's lack of knowledge concerning the existence or whereabouts of a restricted-article shipment, and will further reduce any risk to persons and/or property associated with the carriage of this type of shipment. United estimates that less than 5 percent of its current restricted-articles traffic will pay higher charges as a result of this proposal.[3]

Upon consideration of the complaint and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended pending investigation.

United's filing, in prohibiting articles subject to the Restricted-Articles Tariff from being included in the same shipment with any other articles, would require separate documentation and separate rating for restricted articles submitted to the carrier with other traffic in a single tender from one consignor at one time moving to one consignee at one destination address. As United acknowledges, this will result in restricted-articles traffic being subject to higher freight rates. In addition, by precluding the combination of restricted articles and other articles in the same shipment, there may well be instances where other articles are subject to higher freight rates based on higher unit charges at the lower weight resulting from exclusion of the restricted articles from the shipment. The substance of the filing is, therefore, a proposal to modify the documentation and rating of restricted-articles traffic, as well as any other companion traffic. The tariff proposal in no way requires changes in the physical packaging, labelling, or handling of restricted-articles traffic.

The Board has carefully considered United's assertion that its proposal will

[1] Revision to Rule 22, Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 96.

[2] Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 82. Restricted articles include combustible liquids and other articles liable to damage aircraft structures, and articles possessing other inherent characteristics which make them unsuitable for air carriage unless properly prepared for shipment.

[3] United filed an answer which was untimely (it was due November 28, but received November 29), and is not considered herein.

help eliminate any unintentional noncompliance with the requirements of the Restricted-Articles Tariff. We cannot conclude, however, that the specific proposal now before us is warranted upon the basis advanced by the carrier.

The currently effective tariffs permit restricted and nonrestricted articles to be included in the same shipment and listed on the same waybill. There are stipulations designed to give the carrier full notice of the existence of restricted articles in any shipment. In this regard, there are strict requirements relating to the packaging and labelling of the traffic itself to provide notice to the carrier of the existence of restricted articles.[4] In addition to the packaging and labelling requirements, there are other tariff provisions relating to documentation which further advise the carrier of the tender of restricted articles. Thus, the airbill requires that the proper shipping name (no trade names) of a restricted article and other information be inserted in the article's description box of the airbill,[5] and, in addition, there must be executed a shipper's certification for restricted articles to appear either on the airbill or separately.

As indicated, the present tariff rules do not preclude the mixing of restricted and nonrestricted articles on the same shipment, nor is there any proscription against such mixing in the pertinent regulations of the Federal Aviation Administration (49 CFR 103), and the mixing of restricted and unrestricted articles is permitted in the resolutions of the member carriers of the International Air Transport Association (IATA). In sum, the carrier has not supported its proposal and the consequent rate increases which would result from the rule.[6]

In initiating an investigation and suspension of the instant proposal, the Board emphasizes that it does not consider that modifications to the documentary requirements for restricted articles are per se suspect. If the carriers consider that modifications should be made as to the documentation of restricted-articles traffic to advise them better that such traffic is being tendered, the Board will carefully consider any such proposals as may be advanced.[7] As indicated, however, it does not appear to the Board that the instant proposal for changes in documentation which so affect the rates upon the traffic is required or appropriate.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered That:

1. An investigation be instituted to determine whether the provisions in Rule No. 22(C)(3) on 53rd Revised Page 12 of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 96, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions in Rule No. 22(C)(3) on 53rd Revised Page 12 of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 96 are suspended and their use deferred to and including March 21, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated Docket 26196, be assigned before an Administrative Law Judge of the Board at a time and place to be designated;

4. Except to the extent granted herein, the complaint of Shulman Air Freight, Inc. in Docket 26121, is dismissed; and

5. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc. and Shulman Air Freight, Inc., which are hereby made parties to Docket 26196.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26309 Filed 12-11-73;8:45 am]

[4] *Rule 5—Labelling.* Each package containing any Restricted Articles acceptable under this Tariff and required to be labelled by provisions of Sections II and III must be conspicuously labelled by the shipper with the correct label(s) * * * properly completed. For import into the U.S. only, labels affixed to packages in another country, having the same size, symbols, and color as prescribed herein are authorized in place of the labels prescribed herein. They may contain inscriptions required by the country of origin. Labels shall be attached to that part of the package bearing consignee's name and address. (For radioactive materials, two labels affixed to opposite sides, shall be attached to each package.)

[5] *Rule 7(b)—Airbill/Air Waybill.* When the Airbill/Air Waybill is issued, the name of the restricted article, its class, and type of label required for it (if any), all as shown in Section II, shall be inserted in the article description box of the Airbill/Air Waybill. If the shipment is acceptable only on cargo aircraft, the Airbill/Air Waybill shall also be marked "CARGO AIRCRAFT ONLY." *The same Airbill/Air Waybill may cover other articles whether restricted or not restricted,* but the restricted articles shall then all be stated separately on the Airbill/Air Waybill as required above.

[6] There is an arbitrary and discriminatory aspect to this rule in that a large shipment of only restricted articles would be subject to no rate penalty. However, the traffic contained in mixed shipments would frequently be subjected to significant rate increase.

[7] With respect to mixed shipments containing restricted articles, the Board notes that such traffic, when loose (non-containerized), is readily distinguishable from such traffic when in containers. Yet the carriers' container tariffs do not appear to focus on this matter.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposed addition to Procurement List 1973, March 12, 1973 (38 FR 6742) was published in the FEDERAL REGISTER on September 28, 1973 (38 FR 27107).

Pursuant to the above notice the following commodities are added to Procurement List 1973.

COMMODITY

CLASS 7210

Pillowcase (IB):

	Price (each)	
	East	West
7210-259-9004	$8.47	$8.89
7210-259-8807	9.88	10.00
7210-259-9005	10.62	10.74
7210-259-9006	10.40	10.52

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-26258 Filed 12-11-73;8:45 am]

PROCUREMENT LIST 1974

Deletion From Procurement List 1974

Notice of proposed deletion from Procurement List 1973, March 21, 1973 (38 FR 6742), was published in the FEDERAL REGISTER on October 16, 1973 (38 FR 28715).

Pursuant to the above notice the following commodity is deleted from Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITY

CLASS 1005

Sling, Gun, MI (Nylon):
1005-654-4058

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-26257 Filed 12-11-73;8:45 am]

PROCUREMENT LIST 1974

Additions to Procurement List 1974

Notice of proposed additions to Procurement List 1974, November 29, 1973 (38 FR 33038), was published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26628), September 28, 1973 (38 FR 27107), and October 3, 1973 (38 FR 27435).

Pursuant to the above notice the following commodities and service are added to Procurement List 1974.

COMMODITIES

CLASS 1005

	Price
Sling, Adjustable, Small Arms (IB):	
1005-167-4336, each	$0.368

CLASS 7690

Decalcomania (RF):	
7690-311-7276, per 100	44.42
Code 607 USPSW, per 100	14.53
7690-857-9660, per 100	20.19
7690-857-9572, per 100	20.19
Code 633 USPSW, per 100	33.68
7690-857-9611, per 100	33.68
7690-857-9698, per 100	33.68
Code 636 USPSW, per 100	33.89
7690-857-9612, per 100	33.89
7690-857-9699, per 100	33.89
Code 635 USPSW, per 100	32.00
7690-857-9573, per 100	32.00
7690-311-7272, per 100	47.17
7690-858-3403, per 100	37.28
7690-328-9517, per 100	51.98
7690-329-0205, per 100	51.98
7690-857-9575, per 100	31.33
7690-857-9574, Per 100	$31.33
7690-857-9572, Per 100	31.33
7690-857-9663, Per 100	9.55
7690-858-3365, Per 100	14.90
7690-310-6627, Per 100	27.46
7690-329-0206, Per 100	51.50
7690-311-7128, Per bag of 10	0.36
1-1/2" numbers and letters, Per bag of 10	0.21
2" numbers and letters, Per bag of 10	0.25
4" numbers and letters, Per bag of 10	0.47
7690-857-9700, Per 100	36.38
7690-857-9613, Per 100	36.38
7690-857-9614, Per 100	14.59
Code 600 USPSW, Per 100	14.59
7690-329-0538, Per 100	14.14
Code 669 L-USPSW, Per 100	26.52
Code 666 L-USPSW, Per 100	26.45
Code 672 L-USPSW, Per 100	26.45
Code 667 L-USPSW, Per 100	26.45
Code 675 L-USPSW, Per 100	26.45
Code 668 L-USPSW, Per 100	26.45

SERVICE

INDUSTRIAL CLASS 7399

	Price
Final Assembly of Ration, Isolated Site (8 Menus) (IB), Box	$3.60

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-26256 Filed 12-11-73;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF HOUSTON AUTHORITY AND TERMINAL SERVICES HOUSTON, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commisson for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Robert Eikel, Esquire
Eikel & Davey
1442 Esperson Building
Houston, Texas 77002

Agreement No. T-2445-3, between the Port of Houston Authority (Port) and Terminal Services Houston, Inc. (TSH), modifies the original agreement providing for the month-to-month lease to TSH of a public container marshalling yard at Houston, Texas. The purpose of the modification is to provide for the 20-year lease to TSH of two container yard cranes. As compensation Port shall receive a monthly rental of $5,319.92. By Order of the Federal Maritime Commission.

Dated: December 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-26305 Filed 12-11-73;8:45 am]

PORT OF OAKLAND AND MATSON TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Mr. J. Kerwin Rooney
Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607

Agreement No. T-1953-3, between the Port of Oakland (Port) and Matson Terminals, Inc. (Matson), modifies the parties' basic agreement providing for the 20-year lease of certain terminal property and berthing areas at Oakland, California. The purpose of the modification is to (1) provide for the Port's assessment of a reasonable charge for the use of the premises by any third party other than Nippon Yusen Kaisha, Showa Shipping Company, Ltd., Orient Overseas Container Lines and Columbus Lines; (2) provide for the exercise of Matson's right to lease Option Area D at a monthly rental of $273.00; and (3) provide for the Port's improvement of Option Area D. By Order of the Federal Maritime Commission.

Dated: December 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-26304 Filed 12-11-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-15153, etc.]

TEXACO, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 4, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-15153..... D 11-23-73	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	Nonproductive	.....
G-19546..... D 11-14-73	HNG Oil Co., P.O. Box 767, Midland, Tex. 79701.	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	(1)	.....
C162-1315..... D 11-23-73	Texaco, Inc.....	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	Nonproductive	.....
C163-73..... E 11-12-73	Texas Oil & Gas Corp. (successor to Skelly Oil Co.), Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of Amer-Ica, Los Mogotes Field, Zapata County, Tex.	[2] 18.0675	14.65
C165-453..... C 11-21-73	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	[3] 37.0	14.65
C173-305..... 11-21-73 [8]	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., South Vici Field, Dewey County, Okla.	[4] 21.315	14.65
C174-308..... (G-11864) B 11-16-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Lone Star Gas Co., Cruce, Doyle, and Katie Fields, Stephens and Garvin Counties, Okla.	(6)	.....
C174-312..... (G-5303) F 11-14-73	Petroleum Corp. of Texas (Operator), et al. (successor to Skelly Oil Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney, Haskell, and Seward Counties, Kans.	[3] 13.0	14.65
C174-313..... (G-8808) F 11-14-73	Andover Oil Co. (successor to Champlin Petroleum Co.), 412 Philtower Bldg., Tulsa, Okla. 74103.	Cities Service Gas Co., Medicine Lodge West Field, Barber County, Kans.	15.0	14.65
C174-314..... (G-16224) F 11-15-73	Petroleum Corp., of Texas (successor to Skelly Oil Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	[3] 13.5	14.65
C174-315..... (G-2657) B 11-15-73	Edwin L. Cox (Operator) et al., 3800 First National Bank Bldg., Dallas, Tex. 75202.	Lone Star Gas Co., Roady Northeast Field, Garvin County, Okla.	Depleted	.....
C174-316..... (G-5317) F 11-15-73	Petroleum Corp., of Texas (Operator) et al., (successor to Skelly Oil Co.)	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	[5] 26.0	15.025
C174-317..... A 11-19-73	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Southern Natural Gas Co., Unknown Pass Field, Orleans Parish, La.	[4] 30.0	15.025
C174-318..... A 11-19-73	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Cities Service Gas Co., acreage in Carson County, Tex.	[4] 21.5	14.65
C174-319..... (C163-77) B 11-5-73	James M. Forgotson, Operator, 400 Beck Bldg., Shreveport, La. 71101.	Valley Gas Transmission Inc., Southeast Alice Area, Jim Wells County, Tex.	Nonproductive	.....
C174-320..... (CP71-102) F 11-15-73	Sohio Petroleum Co., (Operator) (successor to Consolidated Gas Supply Corp.), 1100 Penn Tower, Oklahoma City, Okla. 73118.	Texas Gas Transmission Corp., West Gueydan Field, Vermilion Parish, La.	[3] 23.0	15.025
C174-321..... (C166-884) F 11-14-73	Seaboard Well Service, Inc. (successor to Austral Oil Co., et al.), P.O. Box 51286, OCS, Lafayette, La. 70501.	Trunkline Gas Co., East Bancroft Field, Beauregard Parish, La.	[3] 17.0	15.025
C174-322..... A 11-19-73	Phillips Petroleum Co., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[4] 28.0	15.025
C174-323..... (C165-557) F 11-16-73	Petroleum, Inc. (successor to Barnwell Production Co.), 300 West Douglas, Wichita, Kans. 67202.	Southern Natural Gas Co., Unknown Pass Field, Orleans Parish, La.	[4] 30.0	15.025
C174-324..... (G-16022) F 11-23-73	Jerry L. Whitton (successor to Mrs. Joe M. Burnham), P.O. Box 3625, Shreveport, La. 71103.	Arkansas Louisiana Gas Co., Mooringsport Field, Caddo Parish, La.	13.6	15.025

[1] Acreage assigned to J. O. Burke.
[2] Subject to downward B.t.u. adjustment.
[3] Applicant proposes to sell gas from the interests of nonoperators.
[4] Subject to upward and downward B.t.u. adjustment.
[5] Producing wells will not produce into purchaser's line because of low pressure.
[6] Subject to upward B.t.u. adjustment; estimated upward adjustment is 3 cents per Mcf.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73-26186 Filed 12-11-73;8:45 am]

[Docket No. RP73-6]

MISSISSIPPI RIVER TRANSMISSION CORP. AND GEORGIA PACIFIC CORP.

Notice of Petition for Extraordinary Relief

DECEMBER 10, 1973.

On June 14, 1973, Mississippi River Transmission Corporation (MRT) filed revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1, setting forth curtailment procedures to be operative during periods of curtailed deliveries on MRT. By order issued October 1, 1973, the Commission suspended the revised tariff sheets for the full five months permitted by the Natural Gas Act. Subsequently, numerous applications for rehearing of that suspension order were filed, and on November 2, 1973, the Commission modified its previous order and provided for a one-day suspension. Thereafter on November 5, 1973, MRT filed a motion, pursuant to section 4(e) of the Natural Gas Act, to place the tariff sheets into effect following the expiration of the one-day suspension. A hearing on the justness and reasonableness of the now effective curtailment procedures is scheduled to commence January 8, 1974.

Take notice that on November 20, 1973, Georgia-Pacific Corporation (Petitioner) filed a petition with the Commission for extraordinary relief pursuant to § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7) requesting the Commission to grant Petitioner relief from curtailment by MRT by requiring MRT to deliver to Georgia-Pacific 6,000 Mcf of gas on an average day and 9,000 Mcf on a peak day, such gas to be used solely to meet the ignition and pilot fuel, drying and processing operations and space heating requirements at Petitioner's Crosset, Arkansas plant.

Petitioner states that it receives natural gas from two sources—1,500 Mcf per day from properties owned by it in Monroe Field in Louisiana and 40,000 Mcf per day from MRT under an interruptible contract. Petitioner alleges that in the event it is not able to obtain the requested volumes, it would be required to shut-down facilities and lay off employees.

Petitioner further states that MRT has advised Georgia-Pacific that it cannot expect to receive any gas under the existing interruptible contract. Petitioner alleges that it has taken every possible step to reduce its usage of natural gas and to develop its own sources of supply and that the only feasible alternative to natural gas would be propane, which Petitioner states is in extremely short supply. Accordingly, Petitioner requests that MRT be directed to deliver 6,000 Mcf on an average day and 9,000 Mcf on a peak day to its Crosset facility.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. All parties heretofore permitted to intervene in the proceedings in Docket No. RP73–6 are deemed intervenors herein and need not refile. However, any person desiring to be heard or to make any protest with reference to said petition inclusive of those heretofore permitted to intervene should on or before December 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–26364 Filed 12–11–73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

M AND C COAL CO.

Applications for Initial Permits; Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4014–000, M and C COAL COMPANY, M and C Mine, Mine ID No. 15 00776 0, Redfox, Kentucky.
(2) ICP Docket No. 4017–000, OLIVER SPRINGS MINING COMPANY, INC., Mine No. 3, Mine ID No. 40 00513 0, Oliver Springs, Tennessee.
(3) ICP Docket No. 4019–000, COUNTRY CLUB COAL COMPANY, Mine No. 6, Mine ID No. 36 01455 0, Windber, Pennsylvania.
(4) ICP Docket No. 4020–000, COUNTRY CLUB COAL COMPANY, Mine No. 7, Mine ID No. 36 01459 0, Windber, Pennsylvania.
(5) ICP Docket No. 4022–000, SNAP CREEK COAL COMPANY, Mine No. 6, Mine ID No. 46 01394 0, Lyburn, West Virginia.
(6) ICP Docket No. 4023–000, W–P COAL COMPANY, Mine No. 18–L, Mine ID No. 46 01387 0, Omar, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed by December 27, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 6, 1973.

[FR Doc.73–26253 Filed 12–11–73;8:45 am]

BULLION HOLLOW COAL CO., INC.

Applications for Initial Permits Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4003–000, BULLION HOLLOW COAL COMPANY, INC. Mine No. 20, Mine ID No. 44 01724 0, Wise, Virginia.
(2) ICP Docket No. 4004–000, INDIAN CREEK COAL COMPANY, Indian Creek Mine, Mine ID No. 40 00688 0, Devonia, Tennessee.
(3) ICP Docket No. 4005–000, BUCHANAN & SONS COAL COMPANY, INC., Mine No. 19, Mine ID No. 44 01697 0, Pound, Virginia.
(4) ICP Docket No. 4006–000, CABIN KNOLL COAL COMPANY, Mine No. 1, Mine ID No. 15 02876 0, Elkhorn City, Kentucky.
(5) ICP Docket No. 4010–000, LICK FORK COAL COMPANY, INC., Mine No. 2, Mine ID No. 15 03014 0, Hatfield, Kentucky.
(6) ICP Docket No. 4011–000, B & S COAL COMPANY, INC., Mine No. 21–A, Mine ID No. 15 02749 0, Vicco, Kentucky.
(7) ICP Docket No. 4013–000, KAT COAL CORPORATION, Mine No. 1, Mine ID No. 44 01788 0, Richlands, Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed by December 27, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 6, 1973.

[FR Doc.73–26254 Filed 12–11–73;8:45 am]

UNITED STATES FUEL CO.

Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20172, UNITED STATES FUEL COMPANY, King Mine, Mine ID No. 42 00098 0, Hiawatha, Utah,
Section ID No. 008 (10 West),
Section ID No. 009 (11 West),
Section ID No. 001 (10 East),
Section ID No. 007 (6 East).

In accordance with the provisions of Section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed by December 27, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 6, 1973.

[FR Doc.73–26252 Filed 12–11–73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PUBLIC MEDIA ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on December 16, 1973 and 9:30 a.m. on December 17, 1973 in the Algonquin Hotel, New York, New York.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee

Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-3308.

JOYCE FREELAND,
Acting Director of Administration, National Foundations on the Arts and the Humanities.

[FR Doc.73-26269 Filed 12-11-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-91]

NASA STRUCTURAL DYNAMICS AD HOC GROUP

Notice of Meeting

The NASA Ad Hoc Group on Shuttle Structural Dynamics will meet on December 19, 1973, at the Headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20546. The meeting will be held in Room 425 of Federal Office Building 10B, 600 Independence Avenue, SW., Washington, D.C. 20546. Members of the public will be admitted to all portions of the meeting beginning at 9:00 a.m. on a first-come first-served basis up to the seating capacity of the room which has seating for 50 persons in addition to members of the ad hoc group.

The Structural Dynamics Ad Hoc Group is a part of the NASA Space Systems Committee and serves in an advisory capacity only. It is concerned specifically with structural dynamic considerations as they relate to the Space Shuttle development effort. The Chairman of the ad hoc group is Dr. Holt Ashley and there are five members. The following list sets forth the approved agenda and schedule for the December 19 meeting of the Structural Dynamics Ad Hoc Group. For further information, please contact Mr. Robert C. Littlefield, area code 202, 755-2453.

Time *Dec. 19, 1973*	*Topic*
9:00-9:15 a.m.	Description of Shuttle System.
9:15-9:45 a.m.	Review of Approaches Considered for Structural/Dynamic Validation of Shuttle System.
9:45-12:00 Noon	Plan for Structural/Dynamic Validation of Shuttle System. Analytical. Scale Model Testing. Ground Testing. Flight Testing.
12:00-1:00 p.m.	Lunch.
1:00-4:00 p.m.	Detail Discussions of Pogo, Flutter, Acoustics, and Other Related Structural Dynamic Considerations
4:00 p.m.	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

DECEMBER 5, 1973.

[FR Doc.73-26301 Filed 12-11-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

GIANT STORES CORP.

Notice of Suspension of Trading

NOVEMBER 26, 1973.

The common stock of Giant Stores Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 3, 1973 through December 12, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-26291 Filed 12-11-73;8:45 am]

[70-5431]

PENNSYLVANIA ELECTRIC CO.

Proposed Issue and Sale of Short-Term Promissory Notes to Banks

In the matter of Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Penelec requests that, for the period commencing on January 1, 1974, and ending December 31, 1974, the exemption from the provisions of Section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof relating to the issue and sale of short-term notes be increased above the 5% limitation to permit Penelec to issue and sell to banks up to $75,000,000 of short-term notes to be outstanding at any one time. As of September 30, 1973, such amount of short-term debt would have represented 9.7% of the principal amount and par value of the other securities of Penelec then outstanding. The filing states that Penelec had $6,000,000 principal amount of its short-term notes outstanding at the date of this application.

The new notes will bear interest at a rate not exceeding the prime rate in effect for commercial borrowings at the lending banks, will mature not later than nine months from the date of issue, and will be prepayable at any time without premium. Although no commitments or agreements for such borrowings have been made, if this application is granted by the Commission, Penelec expects that, as and to the extent that its cash needs require, borrowings will be effected from among a group of fifty-one banks, the names of which and the maximum amounts to be borrowed from each are listed in the filing. It is stated that Penelec is required to maintain compensating balances with each of the banks of approximately 10% of the line of credit or 20% of the borrowings, whichever is higher. Assuming a 9½% prime rate and a 20% compensating balance, the effective interest cost for such loans would be 11.88%.

It is stated that Penelec proposes to utilize the proceeds of the proposed borrowings to provide funds for its short-term working capital requirements, including repayment of other short-term borrowings, and to provide, in the gaps between permanent financings, a temporary source of funds for construction expenditures.

The application states that Penelec's expenses incident to the proposed issuance of notes will be approximately $8,000, including legal fees of $5,500, and that no state commission or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 27, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in

this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26290 Filed 12-11-73;8:45 am]

[File No. 500-1]

AGARD ELECTRONICS CORP.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Agard Electronics Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:10 a.m. (EST) December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26292 Filed 12-11-73;8:45 am]

[File No. 500-1]

OPTRONICS SYSTEMS, INC.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Optronics Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:10 a.m. (EST) December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26295 Filed 12-11-73;8:45 am]

[File No. 500-1]

QUOTAMATION, INC.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Quotatmation, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:10 a.m. (EST) December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26296 Filed 12-11-73;8:45 am]

[File No. 500-1]

ABC FREIGHT FORWARDING CORP.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of ABC Freight Forwarding Corp. (N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:10 a.m. (EST) December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-24294 Filed 12-11-73;8:45 am]

[File No. 500-1]

TILCO INC.

Notice of Suspension of Trading

DECEMBER 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Tilco Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:10 a.m. (EST) December 4, 1973 through December 13, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-26293 Filed 12-11-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

Notice of Meeting

Pursuant to Pub. L. 92-463, 86 Stat. 770, notice is hereby given that a meeting of the Department of Labor's Advisory Committee on Sheltered Workshops will be held on December 18, 1973, beginning at 9:30 a.m. in Room 216 A, B & C (Conference Level—one flight down) of the U.S. Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Advisory Committee on Sheltered Workshops advises the Department of Labor with respect to the application of the Federal minimum wage laws to nonprofit sheltered workshops. Membership consists of workshop representatives, workshop workers, labor, industry, and the public.

The agenda for the meeting follows:

1. Status of Workshop Study by the Department of Labor.
2. Status of Working Patients in Hospitals and Institutions.
3. Final Report of the Demonstration Study on Guidelines for Measuring Productivity.
4. Subcommittee Recommendations on Functions and Composition of Advisory Committee and Public Participation in Meetings.
5. Vocational Rehabilitation Act Provision for Affirmative Action with Regard to Employment of the Handicapped by Government Contractors.

The meetings are open to the public. It is suggested that persons planning to attend as observers contact Arthur H. Korn, Secretary, Advisory Committee on Sheltered Workshops, U.S. Department of Labor, Employment Standards Administration, Washington, D.C. 20210 (telephone: 202-382-1418).

Signed at Washington, D.C., this 10th day of December, 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73-26439 Filed 12-11-73;8:45 am]

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WASHINGTON, D.C.

Volume 38 ■ Number 238

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

BALTIMORE, MARYLAND

Approval of Transportation Control Plan

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Baltimore, Maryland Transportation Control Plan

This rulemaking sets forth a transportation control plan for the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR). A general preamble was published on November 6, 1973, in the FEDERAL REGISTER (38 FR 30626) and is incorporated by reference herein.

BACKGROUND

On June 15, 1973, the Administrator disapproved in part the transportation control plan submitted on April 16, 1973 by the State of Maryland for attainment of primary national ambient air quality standards for carbon monoxide (CO), hydrocarbons (HC), oxides of nitrogen (NO_x), and photochemical oxidants (Ox) in the Metropolitan Baltimore Intrastate Region (38 FR 16550, June 22, 1973). Subsequent amendments to the plan were submitted to the Environmental Protection Agency (EPA) on June 15, 1973, June 28, 1973 and July 9, 1973. Although the plan and its amendments contained a number of generally acceptable strategies, the plan lacked adequate legal and technical assurances that the anticipated emissions reductions could be realized and the air quality standards in fact attained.

Maryland's request for a 2-year extension in attaining standards also was disapproved because it lacked adequate data to support a conclusion that strategies needed to attain standards by May 31, 1975 (or even by some later date up to May 31, 1977) are technically infeasible and also because the plan did not show adequate consideration of available alternative strategies. On August 2, 1973 (38 FR 20769, August 2, 1973), the Administrator proposed regulations to supplement the strategies contained in the Maryland plan to bring it into conformance with requirements of the law, and also proposed added strategies to achieve further emission reductions needed to assure the attainment of standards. Those strategies and associated regulations which were proposed were gasoline handling vapor recovery, inspection and maintenance, bus/carpool computer matching system, management of parking supply, limitation of public parking, preferential bus/carpool treatment, vacuum spark advance disconnect, oxidizing catalyst retrofit, and gasoline distribution limitations.

A public hearing on the EPA plan was held in Baltimore, Maryland, on September 5, 1973. A total of 69 statements was presented during the hearing, and a total of 16 letters was received both before and after the hearings from private citizens, representatives of business, industry, and institutions, and spokesmen for environmental organizations. The control measures promulgated herewith reflect comments received in the letters and at the public hearing.

AIR POLLUTION IN THE METROPOLITAN BALTIMORE INTRASTATE AQCR

Natural features. The geographic area of the Metropolitan Baltimore Intrastate Air Quality Control Region is 2,364 square miles. The boundaries for the region conform to those of the Baltimore Standard Metropolitan Statistical Area. This includes the City of Baltimore and the counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard. The region forms the western edge of the northern section of the Chesapeake Bay. The Blue Ridge and Allegheny Mountains lie westward of the region, providing a geographical basin in which pollution can be trapped. The region lies within the rolling Piedmont Plateau on the nearly flat Atlantic Coastal Plain. The eastern portion is generally flat, with elevations of less than 500 feet; progressing westward across the region, the elevation gradually rises to the gently rolling areas of Carroll and Howard Counties; elevations in the western areas of the region reach 1,000 feet. The topography generally permits free air movement with few channeling effects.

Climatology. Baltimore is in an area where unusual meteorological conditions conducive to the accumulation of large quantities of pollutants in the atmosphere over the urban area can and do take place from time to time. Concentrations of atmospheric pollutants increase when the volume of air into which they are dispersed is decreased. In the atmosphere this occurs when the vertical extent to which mixing of the pollutants can take place is limited and the wind speed is low. When both these conditions occur in the extreme and emissions of air contaminants continue, concentrations of air pollutants can increase to the point that they become an immediate danger to human health.

Formation of photochemical oxidants will not take place unless strong sunlight is also present since an external source of energy is needed in the oxidant producing chemical reactions. Episodes of photochemical oxidants will then occur only when the three requirements of limited vertical mixing, light winds, and strong sunlight are all present.

The following pertinent data for the Baltimore area are given by Holzworth ("Mixing Heights, Wind Speeds, and Potential for Urban Air Pollution throughout the Contiguous United States," U.S. Environmental Protection Agency, 1971):

Mean annual morning mixing height	650 meters
Mean summer morning mixing height	500 meters
Mean annual afternoon mixing height	1400 meters
Mean summer afternoon mixing height	1800 meters
Mean annual wind speed in the morning mixing layer	5.5 m/s
Mean summer wind speed in the morning mixing layer	4 m/s
Mean annual wind speed in the afternoon mixing layer	7 m/s
Mean summer wind speed in the afternoon mixing layer	5.5 m/s

The above data indicate that Baltimore has a significant tendency to excess oxidant formation during the summer months, although that tendency is not as great as in some other areas of the country. In the 5-year period starting August 1, 1960, there were 20 days of high meteorological potential for air pollution as defined by the National Weather Bureau. This compares to a high of 40 days in the Eastern half of the United States, and 70 in the Western half of the country. There were some parts of the country where there were no days of high pollution potential. The relatively high emission levels of carbon monoxide and hydrocarbons in the Baltimore area, particularly attributable to vehicular traffic, have aggravated the air quality problem, especially during those days of high meteorological potential for pollution.

In order to assist the air pollution control program for the region, an Environmental Meterological Support Unit (EMSU) is stationed in Washington, D.C. by the National Weather Service. The EMSU has the responsibility for forecasting high pollution potential days, or as they are now known, Air Stagnation Advisories for the Baltimore area. Since January 1970, significant air stagnation has been forecast on 72 days, or an average of 19 days per year. Of these 72 days, 36 days, or one half of the total, were in the months of June, July, and August when photochemical oxidants are most likely to be a problem. Actual records of air quality measurements in the region clearly show the high frequency with which standards are exceeded during the summer months.

Air quality and reduction. The State of Maryland, in its transportation control plan submission of June 15, 1973, included a maximum validated 8-hour average carbon monoxide reading of 21 ppm. After verifying with the Maryland Bureau of Air Quality Control that this level had occurred on two separate occasions (August 5 and 6, 1971), the Administrator determined it to be the Baltimore air quality level for this pollutant upon which the control strategy may be based. Similarly, a maximum validated 1-hour average photochemical oxidant reading of 0.21 ppm was verified to have occurred several times (on August 20, 1972) and, therefore is the Baltimore air quality level for this pollutant upon which the control strategy may be based.

According to the Maryland plan, total carbon monoxide emissions in the area defined in the Baltimore Metropolitan Area Transportation Study, known as the BMATS area, were 507,800 tons in 1972. (For a definition of this area, see "Transportation Controls to Reduce Motor Vehicle Emissions in Baltimore,

Maryland," EPA Report APTD-1443, p II-27). Total daily peak-period emissions (6-9 am) of hydrocarbons in the BMATS area were 57.7 tons in 1972. Based on more accurate emission and deterioration factors for mobile sources, as presented in "An Interim Report on Motor Vehicle Emission Estimation," by D. S. Kircher and D. P. Armstrong, EPA calculations indicate baseline emission inventories of 592,737 tons per year and 61.0 tons per peak period, for carbon monoxide and hydrocarbons, respectively. The rationale for the use of the peak-period hydrocarbon emissions is presented at the end of this section of the preamble.

On the basis of the foregoing emission data baseline, the EPA calculates that a carbon monoxide emissions reduction of 337,860 tons from 592,737 tons in 1972 to 254,877 tons using the rollback technique, (See "Technical Support Document for the Transportation Control Plan for the Metropolitan Baltimore Intrastate Region," EPA, Region III) is necessary in the BMATS area to meet the national ambient air quality standard for that pollutant. Based on EPA calculations using 40 CFR Part 51, Appendix J, the peak period hydrocarbon emissions must be reduced by 70 percent of the 1972 emissions in the BMATS area from a level of 61.0 tons to a level of 18.3 tons. Since significantly greater emission reductions are required for hydrocarbons, the control measures proposed to attain the oxidant standard will be more than sufficient to attain the carbon monoxide standard.

Hydrocarbon emission concentrations during the 6-9 am period are related to peak oxidant readings in the afternoon, after mixing with nitrogen oxides in the presence of strong sunlight. Since emissions of hydrocarbons vary considerably during the day, the rush hours account for a disproportionate amount of emissions due to the significance of the contribution of motor vehicles. Hence, the hydrocarbon emission inventories and strategy effects were determined for this peak period. Justification for this rationale is provided by the fact that the conversion curve (40 CFR Part 51, Appendix J) establishes the relationship between peak 6 to 9 am hydrocarbon emissions and the maximum formation of oxidants. To ensure against reducing only peak period emissions and allowing emissions at other times, most of the strategies have the effect of reducing emissions throughout the day. The peak period was used to calculate the effectiveness of the strategy on the peak period emissions.

The stationary source controls which are presented in Table 2 reflect on-going state programs for control of stationary source emissions. These controls consist of: (1) Enforcement of current regulations, (2) adoption of stationary source rules limiting the construction of new sources of hydrocarbon emissions, (3) recovery of vapors from gas-handling, and (4) reductions in dry cleaning and other organic solvent losses.

STATE TRANSPORTATION CONTROL PLAN

The State of Maryland Plan for the Metropolitan Baltimore Intrastate Region contained five basic strategies and one episode strategy. These were: (1) Federal Motor Vehicle Control Program (FMVCP), (2) additional stationary source controls, (3) the Periodic Motor Vehicle Inspection Program, (4) catalytic retrofit of heavy duty vehicles, (5) improved public transportation, and (6) vehicle use restrictions during predicted stagnations in the summer months. Except for the FMVCP, the strategies, as proposed by the Bureau of Air Quality Control, were evaluated in order to determine whether they were adequate to attain standards. (See 38 FR 16550, June 22, 1973, and "Evaluation Report for the State of Maryland (Metropolitan Baltimore.")

A brief summary of these strategies and their evaluation is given in the following paragraphs:

The stationary source controls include: (a) Gasoline handling emissions control, both on the station storage tanks and on the gasoline pumps, (b) dry cleaning solvents control and (c) emissions frozen at current levels.

The Maryland Plan included proposed regulations for the installation of vapor balance lines or equally effective vapor discharge control systems on all motor vehicle fuel loading systems. The plan states a 90 percent hydrocarbon emission reduction will be achieved for all gasoline service station losses, although the proposed regulations (since adopted by Maryland) do not ensure that this reduction will, in fact, occur. Therefore, the Administrator considered it necessary to propose and to promulgate measures which require the installation of vapor recovery devices which are 90 percent effective, on both the loading facilities for service station storage tanks and at the gasoline pumps.

The Maryland Plan included a proposed regulation which would accelerate to May 31, 1973, the use of non-photochemically reactive hydrocarbons in dry cleaning operations. As stated in the FEDERAL REGISTER (38 FR 20769), the Administrator approves this concept and recognizes that Maryland is proceeding expeditiously to promulgate such a regulation in final form.

Also included in the Maryland Plan were two measures designed to prevent additional hydrocarbon emissions from major sources. The first element, would require the reduction of hydrocarbon emissions from all existing stationary sources to a level equal to full control under current regulations and the subsequent maintenance of total emissions at that level.

The Maryland Plan also proposed to prohibit new major hydrocarbon sources from moving into the Region. Although no specific regulations had been adopted or proposed by Maryland for these measures, the Administrator had determined that emission reductions claimed were technically proper and that legal authority exists to impose the freeze. A regulation is being promulgated to assure its implementation.

Mobile source controls proposed by the State of Maryland included the Periodic Motor Vehicle Inspection (PMVI) program and the installation of catalytic retrofit devices on all heavy duty vehicles.

The PMVI program which was proposed included a dynamic (loaded) emissions inspection program for both light and heavy duty vehicles. The proposed program specifies a state-administered program with 87 inspection lanes (43 in the Metropolitan Baltimore Region), and requires the design of failure criteria such that a reduction of 12 percent hydrocarbon and 10 percent carbon monoxide emissions will result. However, since neither the legal authority nor a detailed description of the proposed regulations was submitted with the plan, the Administrator considered it necessary to propose and to promulgate a region-wide inspection/maintenance program.

The Maryland plan included a proposal for the retrofit of medium and heavy duty vehicles with 50 percent effective catalytic retrofits. Since no legal authority was demonstrated, nor regulations included; nor test data provided to confirm the proposed reductions; nor any intergovernmental arrangements with New York City which had initiated a similar program primarily directed towards control of carbon monoxide, whereas Maryland was primarily seeking a hydrocarbon control program; the Administrator was obliged to disapprove this proposed strategy. A regulation for catalytic retrofit of medium duty vehicles is promulgated herewith. EPA believes, as more fully described below, that catalytic retrofit of heavy duty vehicles is not feasible at this time. Accordingly, a different retrofit program for these vehicles is promulgated herewith.

The Maryland plan contained a transportation control package consisting of proposals for traffic flow improvements and VMT reduction measures. To facilitate traffic flow a TOPICS[1]-type program was proposed which calls for sophisticated signal controls, parking restrictions, lane widening, turn-lane additions and channelization projects. Since the projects included in this plan are expected to expedite traffic flow overall by about 10 percent, it is anticipated that emission reductions will result. The VMT reduction measures proposed included establishment of express bus-lanes, purchase of additional buses, and promotion of carpools. The plan claimed a 13 percent reduction in VMT for the transportation control package although it also stated that a 75 percent to 85 percent reduction in emissions attributable to a reduction in VMT would be needed to attain standards by 1977. In any event, the proposals were not accompanied by sufficient technical data, implementation schedules, and legal and regulatory authorities to ensure the claimed 13 percent

[1] Traffic Operations Program to Improve Capacity and Safety.

reduction in VMT. Consequently, the Administrator considered it necessary to propose and promulgate bus lane, parking control, and carpool measures.

Finally, the Maryland plan proposed a program to restrict traffic during predicted high air pollution periods. No specific emission reductions were claimed for this measure; however, Maryland invited Federal participation in the development of such a program. Since the EPA does not know of any prediction system of demonstrated reliability in accurately forecasting all high air pollution periods, the Administrator was and remains unable to accept this strategy as a viable emission control program.

Original EPA Proposal

In addition to the missions reductions of the Federal Motor Vehicle Control Program, the EPA proposed, in the Federal Register of August 2, 1973 (38 FR 20769), the following measures to reduce carbon monoxide and hydrocarbon emissions: (1) Gasoline handling vapor recovery (modification of measure in Maryland's Transportation Control Plan); (2) inspection and maintenance (Modification of measure in Maryland's Transportation Control Plan); (3) mass transit improvements (included in Maryland's Transportation Control Plan) which were supplemented by specific regulations for (a) bus/carpool matching system, (b) management of parking supply, (c) limitation of public parking, and (d) preferential bus/carpool treatment; (4) vacuum spark advance disconnect (VSAD) of pre-1968 light duty vehicles; (5) oxidizing catalyst retrofit of certain light duty vehicles of model years 1968 through 1975; and (6) gasoline distribution limitations. The measures, as proposed would have provided for an attainment date of May 31, 1977. In addition, emission reduction credit was given to Maryland's proposed stationary source rule strengthening measure.

Final EPA Promulgation

The Environmental Protection Agency herewith promulgates regulations designed to correct specific deficiencies in the Maryland plan. The original EPA proposals have been modified to reflect testimony at the public hearings, written comments and other new technical information available to the Administrator, and to also reflect additional technical information provided by the Maryland Department of Transportation, the Baltimore City Department of Planning, and the Mass Transit Administration (MTD).

In the Federal Register of August 2, 1973 (38 FR 20769), the Administrator stated that the EPA would be evaluating a submission by the State of Maryland on June 28, 1973, concerning measures to reduce hydrocarbon emissions through vapor recovery during service station (Stage 1) and automobile tank (Stage 2) refueling operations. On July 20, 1973, Maryland forwarded proposed regulations for these measures, and subsequently adopted regulations on October 3, 1973 to be effective on December 2, 1973. The adoption by the State of Maryland of such regulations, their general content, and a number of steps which Maryland has taken to obtain approvable vapor collection systems has clearly demonstrated to the Administrator that Maryland is moving forward in this field. The Administrator is also aware that Maryland intends to approve systems whose collection efficiency is equal to or greater than 90 percent when such systems are demonstrated to be safe, reliable, and available. However, since the currently adopted regulations do not make a specific commitment for a 90 percent collection efficiency, the Administrator is promulgating regulations for vapor recovery which are similar to those which had been proposed on August 2, 1973. Comments which were received on these measures generally supported them in principle but raised questions concerning the availability of control systems by May 31, 1977, applicability to small service stations, and technical details. The requirements which are not being promulgated reflect modifications of the proposed regulations as follows: (a) More design flexibility is permitted to ensure vapor tight connections between delivery vessels and storage containers, (b) provisions have been added to ensure compatibility between systems used for Stages 1 and 2 fueling operations, (c) exceptions have been included for certain small size facilities, and (d) the compliance requirements have been redefined and the final compliance dates have been extended to March 1, 1976 for Stage 1 control systems and to May 31, 1977 for Stage 2 control systems. The EPA estimates that the total annual cost to each vehicle owner for the Stages 1 and 2 vapor control program will be $3.20 on the assumption that all the costs of control are reflected in the gasoline prices.

The State of Maryland has recently adopted (October 3, 1973) a regulation to achieve 100 percent reduction in oxidant related hydrocarbon emissions from solvent used in drycleaning operations by requiring a total switch to non-photochemically reactive solvents in such operations by May 31, 1974. This regulation, as of its effective date, will be legally binding in the State of Maryland. However, since EPA cannot formally approve an adopted regulation until it has taken public comment thereon, in addition to the comments at the State public hearing, and since the adopted regulation on drycleaning solvents was not submitted to EPA in time to permit approval by the date of this promulgation, a standard EPA regulation, already promulgated for the Maryland portion of the National Capital Interstate AQCR, requiring at least 85 percent control of oxidant related emissions from drycleaning operations is promulgated today. Subject drycleaning operations are cautioned to take notice of the Maryland regulation requiring 100 percent control, and not to rely on the requirement for only 85 percent control promulgated today. The effect of the 100 percent control program, as compared to the 85 percent control program, will be to further increase the value of hydrocarbon emission reductions from 0.39 ton per peak period. EPA anticipates that this regulation will be rescinded when and if the necessary steps for approval of the Maryland regulation are taken.

The Maryland Plan included a control measure which would limit hydrocarbon emissions from all users of photochemically reactive materials to the fully controlled levels under existing regulations. Since this measure would not only result in an appreciable reduction in hydrocarbon emissions by 1977, but would also contribute substantially to the post-1977 maintenance of standards, the Administrator is promulgating a regulation herewith to assure its implementation.

The inspection and maintenance regulation promulgated is similar to the regulation which was proposed in the Federal Register of August 2, 1973 (38 FR 20769). It differs from the proposal in that it requires inspection and maintenance procedures be applied to medium (6000 to 10,000 lbs. gross vehicle weight, GVW) and heavy (over 10,000 lbs. GVW) duty vehicles as well as light duty vehicles (under 6000 lbs. GVW). Inspection and maintenance of medium and heavy duty vehicles were not included in the proposal. However, since then, as discussed below, EPA has determined that certain retrofits on these vehicles are feasible, and an inspection and maintenance program is accordingly being promulgated to make sure these regulations achieve their purpose. The "loaded test" inspection and maintenance measure is also very similar to the program proposed by the State of Maryland in its transportation control addendum of June 28, 1973, but also calls for retest of failed vehicles following maintenance—a deficiency of the Maryland proposal. The Administrator, in promulgating this regulation, requires that quick action to implement the program be taken in order that the first annual inspection cycle can be completed by July 31, 1976. In comments and correspondence received by the EPA, the adoption of an inspection and maintenance program received virtually unanimous support. Based on fleet studies of light duty vehicles, the additional annual average cost for light duty vehicles is estimated to be $3 for the vehicle inspection, and $20 to $30 maintenance costs for those failing the inspection.

Because the Maryland plan lacks specific assurances of emission reductions attributable to the claimed 13 percent VMT reductions from improvements to public transportation, regulations are promulgated to strengthen and augment the Maryland plan. The Maryland plan to increase bus fleet size is approved subject to the requirement that a compliance schedule be submitted, definitely committing the State to the increases in fleet size set forth in the State plan.

In addition, the following regulations, which were, in substance, included in the August 2, 1973, notice of proposed rulemaking (38 FR 20769) are promulgated herewith in order to assure implementation of the measures proposed by the State of Maryland:

Establishment of exclusive bus/carpool lanes along major corridors which already have express bus service, from the following outlying communities and/or residential areas to the CBD, by January 1, 1976: Halethorpe, Baynesville, Pikesville, Towson, Catonsville, Dundalk, Overlea-Parkville, Randallstown, Middle River-Essex, and the Mount Washington and Hunting Ridge Sections of Baltimore. In addition, exclusive lanes are required to be established from Linthicum to the CBD and from the CBD to Sparrows Point. The predicted benefit from all of the above exclusive bus/carpool lanes is a 3.1 percent reduction in commuter VMT. It is noted that taxis with two or more passengers can be regarded as carpools and will hence be qualified to make use of the exclusive bus/carpool lanes as defined above.

(The Administrator commends the City of Baltimore and the Mass Transit Authority for the well-developed 5.4 mile network of exclusive bus lanes in the Baltimore CBD accompanied by enforcement of parking restrictions. Since these exclusive lanes have been in operation since 1971, no additional regulations are included in this promulgation to assure express service in the downtown area.)

Restriction of on-street parking along all streets in the above-named corridors which contain dedicated bus/carpool lanes by May 1, 1975. This measure which is being promulgated corresponds with existing on-street parking regulations which the Administrator has been informed are receiving excellent compliance and enforcement by the City of Baltimore. Promulgation of the bus/carpool and parking restriction regulations is consistent with many comments which the EPA received in support of early improvements to mass transit.

Carpool Locator System. This measure, which was proposed by both the State of Maryland and EPA, requires the institution by an appropriate governmental agency of a computerized system by June 1, 1975, for matching potential carpool participants whose origin, destination, and commuting schedules are compatible. This system is to be made available to the maximum possible number of commuters. Such a measure is necessary if the restraints on individual vehicle use contained in this plan are to have the desired effect of reducing VMT. The Administrator is aware of a commuter-computer program that has been instituted by radio station WFBR and television channel WJZ–TV, and the detailed plans for a city-wide program by the City of Baltimore Department of Planning. He commends these organizations for these progressive steps to stimulate carpooling, which, if expanded, may well be able to satisfy the regulation's requirements. This measure also received considerable public support in comments received by the EPA.

A detailed guide for the operation of a bus/carpool matching program, along with a discussion of a number of successful programs in operation in many areas of the country, are contained in "Carpool and Buspool Matching Guide" (Second Edition, U.S. Department of Transportation, Federal Highway Administration, May 1973). This report discusses the considerations involved in a successful program such as public information, incentives, data processing, and a continuous updating of the service, and is an excellent guide and reference for conducting such a program.

The EPA believes that this approach to reducing vehicle miles traveled is a very good short-term strategy. It involves a minimum investment.

Management of parking supply. This regulation, which was included in the EPA proposal, requires the pre-construction review of new parking facilities in pollution-impacted areas and will enhance the effectiveness of the City of Baltimore programs for increased mass transit patronage. The regulation herewith promulgated requires the obtaining of a permit before commencing the construction of any facility of 250 or more spaces. A permit will only be granted after it is determined that the parking facility will not have an effect inconsistent with a plan's VMT reduction goals or cause a violation of any ambient air quality standard. Facilities of 50 or more spaces may be reviewed if the Administrator determines that they will have a significant impact on the control strategy in a given area. This regulation applies to all construction commenced after August 15, 1973 unless contract for on-site construction work was signed prior to that date.

This regulation establishes review procedures similar to those which the EPA is proposing for Indirect Sources as discussed in the FEDERAL REGISTER of October 30, 1973 (38 FR 29893). In the case of sources which would otherwise be subject to review both under this plan and under a finally-promulgated indirect Sources regulation, a single review procedure will be established.

Additional vehicle restraints and VMT reduction measures are included in the final regulations that were not among the proposed regulations. As indicated in the FEDERAL REGISTER of August 2, 1973 (38 FR 20769), the Administrator has been continuing to study additional reasonably available measures that will result in reduction of vehicle miles traveled by automobiles. The Act requires that all control measures that are reasonably available must be applied before an extension may be granted. EPA is under a court order to promulgate a plan that meets this test without further delay. Accordingly additional measures that have come to the attention of the Administrator and that are reasonably available in the effected areas are included in this promulgation. These are identified in the following subparagraphs. Although the regulations promulgated herewith are intended to be fully enforceable as promulgated, public comments on these measures is invited, and EPA is prepared to revise the plan in any manner which such comments indicate would be advisable.

Employer parking policy. This regulation provides for a bus and carpool incentive and promotion program that will initially require by February 1, 1974, all private and public employers providing 700 or more employee parking spaces in one location within the region to submit a plan to provide incentives to those employees that will encourage them either to ride to work in carpools or to ride the bus or streetcar. By February 1, 1975, plans will be required from employers with 70 or more employee spaces in one location. Possible elements of these plans are: subsidies to employees using mass transit, reduced parking spaces or surcharges for those driving alone, charter buses (bus-pool), and preferential parking for carpools.

Bikeway network. This measure requires the State of Maryland to complete a study by March 1, 1975, of the best locations and designs for bikeway routes and bikeway parking facilities for commuters into the Baltimore CBD. The study is to be made with a view toward safety and security, and is to make recommendations for "rules of the road" for bicyclists. Upon conclusion of the study, the State of Maryland and such local jurisdictions as the State requests to participate, are required to establish at least a 15-mile bicycle network oriented to the Baltimore CBD by May 31, 1976, unless it is demonstrated to the Administrator's satisfaction that the maximum practicable network is a lesser amount. The Administrator commends the Maryland Department of Transportation and the City of Baltimore Department of Planning for their on-going bikeway programs, several elements of which are already in the construction phase.

Since the Clean Air Act of 1970 requires that all reasonably available measures be implemented as expeditiously as practicable, the Administrator also proposed, on August 2, 1973 (38 FR 20769), the implementation of several retrofit measures which will result in substantial reductions of hydrocarbon and carbon monoxide emissions. Catalytic retrofit devices, which are necessary to provide the maximum emission reductions (albeit insufficient to assure attainment of the national ambient air quality standards), will not be available until late 1976. However, the dictates of the Clean Air Act require that all feasible alternative measures be implemented as expeditiously as practicable. Hence, the Administrator proposed on August 2, 1973 (38 FR 20769), and is promulgating herewith, the installation, by January 1, 1976, of vacuum spark advance disconnect (VSAD) devices on all pre-1968 light duty vehicles. Although substantial adverse testimony was presented at the public hearings to indicate the socially

regressive nature of these devices, citing that the financial burden will fall on those least able to pay, the Administrator has concluded that installation of this relatively inexpensive device is necessary to comply with the terms of the Clean Air Act and will not impose an excessive financial burden on the owners of pre-1968 automobiles. As noted in the General Preamble, the VSAD costs only $20 and provides reductions of 25 percent for hydrocarbons and 9 percent for carbon monoxide. The Administrator is herewith promulgating a measure whose regulatory language merely requires the installation of a retrofit device which will achieve at least the above-stated reductions of hydrocarbons and carbon monoxide. By so doing, the State of Maryland is provided the option of establishing a single carburetion-type retrofit device for all pre-1968 vehicles and appropriate 1968–1971 model year vehicles, although probably at a cost higher than the VSAD device.

Installation of the catalytic retrofit devices on 1968–1975 model year light duty vehicles capable of performing properly on unleaded 91 Research Octane Number (RON) gasoline was proposed in the August 2, 1973 issue of the FEDERAL REGISTER (38 FR 20769). This measure is promulgated herewith only for the 1971–1975 model year light duty vehicles since only 20 percent of the pre-1971 light duty vehicles can perform properly on the unleaded 91 RON gasoline which will be available. Post-1975 cars will be equipped with catalytic devices by the manufacturer. Despite the substantial adverse testimony which was presented at the public hearings, the Administrator has included regulations herewith which require the installation of these devices on all applicable vehicles of the 1971–1975 model years in order to comply with the requirements of the Clean Air Act. Emission reductions of 50 percent for hydrocarbons and 50 percent for carbon monoxide are expected to result from implementation of this measure. As noted in the General Preamble, the proportion of light duty vehicles to which catalytic systems are applicable is 75 percent of 1971–1974 model year vehicles.

Since the measures proposed in the August 2, 1973 notice of proposed rulemaking (38 FR 20769) were insufficient to assure attainment of the national ambient air quality standards, the Administrator is promulgating additional retrofit measures which have been determined to be feasible since the time of the former proposal. These additional measures include: (1) Retrofit with air/fuel control devices of light duty vehicles of 1968–1971 model years which are not required to be retrofitted with an oxidizing catalyst; (2) catalytic retrofit of all medium duty vehicles (6,000 to 10,000 lbs. gross vehicle weight) which are capable of performing properly with 91 RON gasoline; (3) retrofit of medium duty vehicles, which are not required to be retrofitted with an oxidizing catalyst, with air/fuel retrofit devices; and (4) retrofit of all heavy duty vehicles (gross vehicle weight greater than 10,000 lbs.) with carburetor modifications or alternative air/fuel control devices.

Retrofit with an air/fuel control device of 1968–1971 model year light-duty vehicles which are not required to be retrofitted with an oxidizing catalyst will result in a 25 percent reduction in hydrocarbon emissions and a 40 percent reduction in carbon monoxide emissions for each vehicle. Although final evaluation by the EPA awaits the completion of a test program scheduled to be completed by November, 1974, preliminary tests by several manufacturers indicates no degradation of engine performance after 25,000 miles of operation.

A regulation is included in this promulgation which will require the installation of oxidizing catalyst devices on all 1971–1975 model year medium duty vehicles which are capable of performing properly with unleaded 91 RON gasoline. EPA analysis of limited available technical data indicates potential reductions of 50 percent of hydrocarbon emissions and 50 percent of carbon monoxide emissions. Since the operating characteristics of medium duty vehicle engines are essentially the same as those of light duty vehicles, no appreciable degradation in performance is expected to result from the installation of these devices.

For those pre-1974 medium duty vehicles which are not required to be retrofitted with an oxidizing catalyst, a regulation is included which will require the installation of an air/fuel device, which will provide a leaner air-fuel mixture and will result in emissions reductions of 15 percent for hydrocarbons and 30 percent for carbon monoxide. Since the leaner mixture produces more complete combustion, test data indicate a net fuel saving of 4 percent.

The substantial emissions generated by heavy duty vehicles (gross vehicle weight greater than 10,000 lb.) suggest that appreciable reductions could result from the installation of appropriate control devices on this class of vehicles as originally proposed by the State of Maryland. Since current tests by the EPA indicate the incidence of deleterious high temperature effects on exhaust systems and catalytic devices when catalytic converters are installed on heavy duty vehicles, the Administrator is promulgating herewith a regulation which requires the installation of carburetor modifications or air/fuel retrofit devices on all heavy duty vehicles by May 31, 1977. Results of recent tests conducted as part of an evaluation program sponsored jointly by the EPA and the City of New York indicate potential reductions of 30 percent of hydrocarbon emissions and 40 percent of carbon monoxide emissions.

A regulation is included in this promulgation that would require State and/or local authorities to monitor VMT, vehicle speeds, and per-vehicle emission reductions, and to report such data to the Administrator on a quarterly basis.

Finally, even with the timely implementation of the aforementioned measures (See Table 1), it is estimated that the national standards for photochemical oxidants and carbon monoxide will not be met in the Metropolitan Baltimore Intrastate Region by May 31, 1977. Under the requirements of the Clean Air Act, the EPA has no choice but to include in the plan any such measure that can achieve the standards by that date. Therefore, the Administrator is promulgating a regulation limiting gasoline sales (rationing) to the extent necessary to achieve the standards by the May 31, 1977 date. However, the EPA does not believe that such massive gasoline rationing, assuming adequate supplies are available, is either socially acceptable or enforceable, and will utilize every means available to avoid the need to impose gasoline rationing to reach air quality goals by 1977.

SUMMARY

Comparison of the strategies proposed by Maryland on June 15, 1973, and by the EPA on August 2, 1973 (38 FR 20769) with the strategies promulgated herewith is presented in Table 1. Base year emissions and the effects of the promulgated measures are presented in Table 2.

TABLE 1.—EPA TRANSPORTATION CONTROL PLAN

Maryland plan	EPA proposal	EPA promulgation
STATIONARY SOURCE CONTROLS		
Service station tank vapor recovery.	Service station tank vapor recovery.	Service station tank vapor recovery.
Service station pump vapor recovery.	Service station pump vapor recovery.	Service station pump vapor recovery.
Control of dry cleaning losses.	Control of dry cleaning losses.	Control of dry cleaning losses.
Limitation of major source emissions.	Control of organic solvents.	Limitation of major source emissions.
Prohibition of new major sources.		
MOBILE SOURCE CONTROLS		
Inspection-maintenance.	Inspection-maintenance.	Inspection-maintenance.
HDV catalytic retrofit.		HDV air-fuel control retrofit.
	VSAD retrofit, pre-68 LDV.	VSAD retrofit, pre-68 LDV.
	LDV catalytic retrofit.	LDV catalytic retrofit.
		LDV air-fuel control retrofit.
		MDV catalytic retrofit.
		MDV air-fuel control retrofit.

VMT CONTROLS		
Transit service improvements. Carpool locator. Express busways. Traffic flow improvements. Episode vehicle exclusion.	Exclusive buslanes. Limitation of onstreet parking. Gasoline distribution limitation.	Carpool locator. Exclusive busways. Limitation of onstreet parking. Traffic flow improvements. Management of parking supply. Employer's parking policy. Study and establishment of bikeways. Gasoline distribution limitation.

TABLE 2—COMPILATION OF CONTROL STRATEGY EFFECTS FOR THE METROPOLITAN BALTIMORE INTRASTATE AIR QUALITY CONTROL REGION ON MAY 31, 1977

	Carbon monoxide		Hydrocarbons	
	Tons per year	Percent of base year	Tons per peak period	Percent of base year
1972 ton per year (base year)	592,737	100.0	61.0	100.0
Reduction required to reach NAAQS	337,860	57.0	42.7	70.0
STATIONARY SOURCES				
Emissions without control strategy	103,300	17.4	13.5	22.1
Expected reduction from existing regulations:				
(a) Solvent control			0.85	1.4
(b) Gasoline handling vapor recovery (bulk)			1.0	1.6
(c) Drycleaning emissions control			0.39	0.6
(d) Aircraft ground operations			−0.18	−0.3
(e) Net result of industrial growth	−5,575	−0.9	−0.17	−0.3
Promulgated stationary source controls:				
(a) Control and prohibition of major sources			0.52	0.9
(b) Gasoline handling vapor recovery (stage I)			0.57	0.9
(c) Gasoline handling vapor recovery (stage II)			0.95	1.6
Stationary source emissions remaining	108,875	18.4	9.57	15.7
MOBILE SOURCES				
Emissions from LDV's, MDV's, and HDV's without control strategy	489,437	82.6	47.5	77.9
Expected reductions:				
(a) Federal motor vehicle control program*	156,437	26.4	18.7	30.7
(b) Inspection and maintenance (LDV, MDV)	23,710	4.0	2.23	3.7
(c) VSAD retrofit, pre-1968 LDV's	1,656	0.3	0.29	0.5
(d) Air-fuel retrofit, 1968-1971 LDV's	26,491	4.5	0.80	1.3
(e) Catalytic retrofit, 1971-1975 LDV, MDV	58,681	9.9	3.38	5.5
(f) Air-fuel retrofit, pre-1974 MDV's	2,916	0.5	0.22	0.4
(g) Air-fuel retrofit, HDV's	26,512	4.5	1.38	2.3
(h) Traffic flow improvements	3,065	0.5	2.61	4.3
(i) VMT measures: Exclusive buslanes, carpool locator, bikeway program, parking restrictions	2,734	0.5	0.43	0.7
(j) Gasoline distribution limitation	78,381	13.2	8.73	14.3
Mobile source emissions remaining	108,854	18.4	8.73	14.3
Total reductions	375,008	63.3	42.7	70.0
Total emissions remaining	217,729	36.7	18.3	30.0
Total allowable emissions	254,877	43.0	18.3	30.0

*Includes effect of VMT growth.

FINDINGS

The Clean Air Act requires that national ambient air quality standards be attained as expeditiously as practicable. However, several of the control measures relied on in this plan will not be available until after 1975. Even if the need to promulgate a gasoline rationing program were discounted, the EPA has determined that a 2-year extension till May 31, 1977 is required for implementation of the measures for the catalytic converter retrofit of heavy duty vehicles, and systems for the control of vapor losses in transferring gasoline to automotive fuel tanks.

In the FEDERAL REGISTER of August 2, 1973, comments were solicited concerning controls from other stationary sources. The responses received indicated that if additional controls were imposed on some small sources the benefits would be negligible. Consequently, the Administrator believes, for purposes of this transportation control plan, that the current state regulations, including recent amendments covering volatility of surface coatings, are adequate, and for all practical purposes are equivalent to those currently adopted by the County of Los Angeles Air Pollution Control District as Rule 66.

The FEDERAL REGISTER of August 2, 1973 also proposed a regulation which would limit gasoline distribution starting July 1, 1974 to the total gallonage of the base year (July 1, 1972 to June 30, 1973) and starting May 31, 1977 to the amount which, when combusted, will not result in exceeding air quality standards. As discussed in the General Preamble, the Administrator has determined that limitations on gasoline sales are not a reasonably available measure.

VMT REDUCTIONS

In calculating the emissions reductions necessary to attain and maintain national standards for carbon monoxide and photochemical oxidants in the Metropolitan Baltimore Intrastate Region, the EPA has assumed, on the basis of "A Methodology for Estimating Macro-Level Travel Demand in the Baltimore Metropolitan Area," Alan M. Vorhees and Associates, February 1973, a 3 percent growth in VMT by 1977 due to new highway construction and modification of existing highways. This estimate does not include the effect of the presently planned 3-A Highway System which essentially would not be built until after May 31, 1977, the latest date for attainment of standards. Any increase of emissions resulting from such a growth would be inconsistent with the need to reduce VMT to attain and maintain air quality standards.

However, the exact effect of highway construction and modification programs can not be accurately predicted. It is entirely possible that a highway project would reduce total VMT in the area impacted by its construction; or that it would increase the VMT, but by relieving congested alternate routes, reduce total emissions; or, on the other hand, it would serve to generate new VMT by fostering development that could be incidental to its prime purpose.

Thus, the Administrator in considering this dilemma is faced with three alternatives: (a) Promulgation of a regulation which in effect would declare a moratorium on further highway construction, (b) promulgation of a regulation requiring a review and approval by the EPA (or designee) prior to the construction or modification of a highway, and (c) utilize currently developed land-use planning procedures involving "indirect sources", environmental impact statements and section 136(b) of the Federal Aid Highway Act of 1970 (23 U.S.C. 109(j)). Testimony was received suggesting a highway construction moratorium be declared by Maryland, et al.

A blanket moratorium would be an irresponsible act if highway projects that could lead to reduced emissions were included. A special regulation which requires prior review and approval of all projects opens environmental concerns to fragmentation and additional technical complexities that would compound the bureaucratic superstructure, and still not be responsive to long-term growth considerations. Therefore, the Administrator is of the opinion that the intelligent use of current procedures offers the best prospect to control VMT and reduce emissions, especially hydrocarbons, which contribute to the excessive levels of photochemical oxidants in the Metropolitan Baltimore Intrastate Region. These procedures are discussed in the following paragraphs. Regulations that require land-use planning tied to air quality considerations were recently proposed by the EPA in response to a court order (38 FR 29893, October 30, 1973). These "indirect source" regulations will require the review, both long-term and short-term, of certain classes of new construction to ensure maintenance of air quality standards. The State of Maryland is currently proposing such review

procedures, in place of those which the Administrator was obliged to propose earlier pursuant to the court order. These regulations will require the review for effect on air quality of all new large parking facilities, highways, airports, housing developments, and other development and/or construction that may increase automobile emissions because of increased vehicular travel.

The EPA believes that the review of indirect sources should be at the State and local level and any EPA regulations promulgated will be enforceable by the State at its option. In addition, when and if Maryland submits approvable indirect source regulations of its own, the EPA will rescind any duplicating EPA regulations.

As previously stated, a number of comments were received on the continued construction of highways, and some urge a moratorium on new construction. Such a prohibition, to the extent required by air quality considerations, is already imposed by Federal statute. Section 136(b) of the Federal Aid Highway Act of 1970 (23 U.S.C. 109(j)) requires that any new Federally aided highways be consistent with applicable implementation plans under the Clean Air Act. Accordingly, any new highways that would interfere with the VMT reduction goals of the Baltimore plan, or interfere with the attainment and maintenance of national ambient air quality standards would not be consistent with the requirements of the plan.

The EPA also reviews and comments on new highway aid projects as part of its review of environmental impact statements under the National Environmental Policy Act (NEPA), (42 U.S.C. 4321–4347). One such statement for the planned 3–A Highway System in the Metropolitan Baltimore Intrastate Region is currently in preparation. If calculations show an increase in emissions attributable to VMT growth, then the system could be considered to interfere with the attainment and maintenance of air quality standards, and modifications would have to be made to its design.

If such a situation were to materialize for the 3–A Highway System, or indeed any other Federally aided highway construction program, then the EPA envisages other possibilities. Two such possibilities are: (1) The withdrawal of segments of an interstate highway under provisions of section 137 of the Federal Aid Highway Act and the use of the equivalent Federal funds for non-highway public mass-transit projects, and (2) the dedication of such highways, or portions thereof, for the use of express buses and/or carpools that would, in effect, accelerate region-wide mass transit.

Future Initiatives

There have been a number of discussions with the Maryland Bureau of Air Quality Control concerning the hydrocarbon emission inventory baseline upon which control measures proposed by the State or promulgated by the EPA have been developed. It has been suggested that the method to predict oxidant reductions should employ a reactive hydrocarbon-oxidant relationship. Unfortunately, there are presently no data available for the Metropolitan Baltimore Intrastate Region, that would permit the development of such a relationship, nor is it certain how this would affect the reductions needed. There is, however, evolving information on reactivities of various organic compounds known to be part of the Baltimore area's emission inventory—including those from mobile sources.

This matter is under continuing review by the EPA.

The adequacy and correctness of this promulgation to ensure attainment of oxidant standards by May 31, 1977, will be indicated by reduced levels of oxidant measurements with the passage of time. There have been reported in August 1973, higher levels of oxidants than that upon which the rollback calculations were based (0.21 ppm). Initial information available to the EPA indicates that these readings were validated at lower values (approximately 0.20 ppm), after appropriate corrections were made. Nevertheless, the Administrator wishes to emphasize the importance of a careful review by the State of Maryland of all current data so that any determination of needed revisions to this promulgation may be made as soon as possible.

Mass Transit and Socio-Economic Impact

Improved and expanded mass transit facilities in the Baltimore Metropolitan area are a necessary corollary to the proposed disincentives and restraints on the personal use of automobiles. The emphasis must be a large-scale expansion of a limited public transportation system for both CBD and suburban commuters and shoppers. For the short-term, the best possibility of achieving the required transit expansion is by increasing the capacity of radial and circumferential bus routes. However, the amenities and convenient utility of all public transportation systems must be considerably improved to ensure attraction and retention of commuter ridership. As previously indicated emissions related to VMT in the Metropolitan Baltimore Intrastate Air Quality Control Region must be considerably reduced if air quality standards are to be attained by May 31, 1977 without the imposition of gasoline rationing. Information in "24-Hour Work Transit and Work Auto Driver Trips (Compressed)" and "1980 Baltimore Regional Socio-Economic Data," shows very high levels of commuting trips between various suburban residential areas and employment centers, and between which little public transportation either exists or is used. Indeed, calculations by the EPA for interconnection of these areas which were performed in a manner similar to those which predicted a 3.1 percent VMT reduction attributable to the promulgated bus/carpool lanes to the Baltimore CBD, show a potential for an additional 4.7 percent VMT reduction. Estimates also show that approximately 1,000 additional buses, beyond the 375 presently planned, would be needed to accomplish such results, assuming one bus trip per rush hour. The Administrator therefore strongly encourages the State of Maryland to develop plans to fulfill suburban area mass transit needs.

The Administrator, therefore, will provide all possible support to Federal, State, and local agencies, and to private groups in their efforts to expand the mass transit facilities by May 31, 1977.

The problem in Baltimore is somewhat formidable since there is only a minimal commuter rail system. Comments received by the EPA indicate a real potential whose practicality should be actively explored.

Within the Metropolitan Baltimore Intrastate Region the upgrading of bus services, which can be accomplished in a relatively short time, should permit the absorption of a considerable portion of the automobile travel displaced by the strategies promulgated herein.

In addition, private automobiles, which are designed to carry four to six persons and currently carry an average of 1.2 commuters per trip in the Baltimore area, represent the largest unused pool of transportation capacity now available.

Although the impact of VMT reductions on aspects of human welfare other than air quality is difficult to assess precisely, these measures may create some inconvenience in the short run. Persons accustomed to driving downtown at their own convenience in the assurance of finding a parking space while they shop, or persons accustomed to commuting to and from work at times to some extent of their own choosing, will have to modify their previous habits. Some shorter trips will be shifted from automobiles to other forms of transportation such as bicycles or walking.

There may be significant positive aspects associated with these measures. Many experts believe that the sprawling development patterns fostered by widespread automobile use are unduly wasteful of energy, land, and other resources, and have contributed to the decay of urban centers. More widespread use of other modes of transportation will be necessary if these tendencies are to be corrected. The vapor control measures at service stations will result in a saving of fuel while adding less than one cent per gallon to the cost.

Reference has already been made to cost estimates for the inspection and maintenance and retrofit programs being promulgated.

Other Public Comments

At the EPA hearing, a number of persons expressed the opinion that the standards for photochemical oxidants and carbon monoxide, upon which the development of the transportation control plan is based, were subject to debate and perhaps were set at limits below those which would be appropriate. Some comments also called for an extension of

the date for attainment of standards beyond 1977 and that strategies to attain standards be developed from a more extensive air quality data base. There was encouragement for review and possible revisions to the standards. Such a review is now being conducted by the National Academy of Sciences.

Also presented at the hearing were a number of statements concerning the potential for expanding the virtually non-existent commuter rail system by using existing freight trackage and defunct rail rights-of-way. Testimony was presented which showed the Baltimore area to be laced with such lines. Many of the communities linked by these rights-of-way correspond with known commuting corridors. In "Commuter Rail Service Proposals for the Baltimore Metropolitan Area," by Harry W. Miller, an initial ridership potention of over 5,700 seats was indicated. On the basis of this figure, EPA estimates that full use of that capacity could translate into a commuting VMT reduction of about 1.5 percent. This assumes that the rail lines would complement present or potential bus routes and not compete for the same ridership. In addition, statements were presented concerning the possibility of extending the use of light-rail (streetcar) transportation along surface corridors including the aforementioned rail rights-of-way. The opinion was expressed that such routes could be activated in a 2 to 3 year period as compared to the planned subway system (Metro) which will not be a transportation factor until the 1980's. While it is generally recognized that the EPA does not have regulatory authority to mandate rail systems, the testimony would support a strong recommendation by the Administrator that the State of Maryland and all appropriate agencies expedite every consideration of rail alternatives. This recommendation is particularly timely in light of growing fuel shortages that are expected to be felt well in advance of an overt gasoline rationing program that is being promulgated as a contingency measure in 1977.

EPA Studies and Guidelines

Further information on transportation control, land use, and motor vehicle emissions may be obtained from one or more of the following documents which the Environmental Protection Agency has in its possession or has published:

(a) "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas" and "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas" November 1972.

(b) "Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas" December 1972. This document is a summary of a study of 14 cities conducted with the view of recommending specific transportation control strategies. (Separate reports for each of the 14 cities are also available.)

Note: The documents listed in (a) and (b) above are available from the Air Pollution Technical Information Center, EPA, Research Triangle Park, North Carolina 27711.

(c) "Control Strategies for In-Use Vehicles" November 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 M Street, SW., Washington, D.C. 20460.

(d) "Transportation Control Measures" Federal Register (38 FR 15194) June 8, 1973.

(e) "Technical Support Document for the Transportation Control Plan for the Metropolitan Baltimore Intrastate Region", EPA Region III.

(f) "Aircraft Emissions" Impact on Air Quality and Feasibility of Control", U.S. Environmental Protection Agency.

(g) "Facilities and Services Needed to Support Bicycle Commuting into Center City Philadelphia", Philadelphia Bicycle Coalition, June 1973.

(h) "Evaluation Report for the State of Maryland (Metropolitan Baltimore)".

(i) "Transportation Controls to Reduce Motor Vehicle Emissions in Baltimore, Maryland" APTD-1443 (December 1972), available from EPA, Office of Air and Water Programs, Research Triangle Park, North Carolina 27711.

(j) Carpool and Buspool Matching Guide (Second Edition) May 1973, available from the U.S. Department of Transportation, Federal Highway Administration.

(k) "A Methodology for Estimating Macro-Level Travel Demand in the Baltimore Metropolitan Area", A. M. Voorhees & Associates, Inc., February 1973.

(l) "Commuter Rail Service Proposals for the Baltimore Metropolitan Area", by Harry W. Miller, Rail Ways of the Americas, Inc., September 5, 1973.

(m) "Proposed Commuter Rail Improvement Program", Maryland Department of Transportation, May 1972.

(n) "Bikeways Progress Report", Harry R. Hughes, August 31, 1973.

(o) "Summary of MTA Express Service—Regular Routes", R. E. Prangley, September 4, 1973.

(p) "24-Hour Work Transit and Work Auto Driver Trips Compressed" (Computer Printout), Maryland Department of Transportation, November 21, 1973.

(q) "1980 Baltimore Regional Socio-Economic Data" (Computer Printout), Maryland Department of Transportation, July 19, 1973.

(r) "An Interim Report on Motor Vehicle Emission Estimation", U.S. Environmental Protection Agency, May 1973.

(s) "Mixing Heights, Wind Speeds, and Potential for Urban Air Pollution Throughout the Contiguous United States", U.S. Environmental Protection Agency (1971).

All documents (except (p) and (q)) listed above are available for inspection at the Freedom of Information Center, U.S. Environmental Protection Agency, Room W232, 401 M Street SW., Washington, D.C. 20460, and at the EPA Region III office, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Documents (p) and (q) are available for inspection at the EPA Region III office only.

Effective Dates

Should the State of Maryland submit revisions to its own plan which are determined to meet the requirements of the law, the regulations set forth in this notice will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the national ambient air quality standards in the Metropolitan Baltimore Intrastate Region be a State plan carried out by the State.

The regulations promulgated today become effective on January 11, 1974, except in the case of those regulations that impose requirements for specific action at earlier dates. In such cases, the Administrator has found that good cause exists for accelerating the effective date because of the need to take action as expeditiously as practicable in order to attain and maintain the national ambient air quality standards. The regulation for management of parking supply is effective immediately upon signature of this plan and applies to actions taken after August 15, 1973. The regulation to control growth of major sources of photochemically reactive organic materials is effective after December 12, 1973.

Although to comply with the requirements of the court order, this plan has been promulgated in legally binding form, comment on it is invited on or before January 14, 1974. At the conclusion of the comment period, and after the comments have been evaluated, EPA will revise this plan if revision is appropriate in the light of the comments received.

This rulemaking is made pursuant to section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857c-5(c) (a) and 1857(g)).

Dated: November 30, 1973.

John Quarles,
Acting Administrator.

Subpart V of Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. Section 52.1072 is amended by revising paragraph (b) to read as follows:

§ 52.1072 Extensions.

* * * * *

(b) The Administrator hereby extends for two years the attainment dates for the national standards for carbon monoxide and photochemical oxidants in the Maryland portion of the National Capital Interstate Region and in the Metropolitan Baltimore Intrastate Region.

2. Section 52.1073 is revised to add paragraphs (d) and (e) as follows:

§ 52.1073 Approval status.

* * * * *

(d) With respect to the transportation control strategies submitted on April 16, June 15, June 28, and July 9, 1973, the Administrator approves the measures for the Metropolitan Baltimore Intrastate

Region for carpool locator, dry cleaning solvent use, gasoline vapor recovery, emission "freeze" by limiting construction of new sources, increased bus fleet size, and traffic flow improvements with the exceptions set forth in §§ 52.1074, 52.1077, 52.1080, 52.1081, and 52.1082.

(e) With respect to the transportation control strategies submitted on April 16, June 15, June 28, and July 9, 1973, the Administrator disapproves the measures for inspection programs, heavy duty vehicle inspection and retrofit and vehicle use restriction during predicted stagnations for the reasons set forth in §§ 52.1074 and 52.1081.

3. In § 52.1074, paragraphs (a) and (b) are revised to read as follows:

§ 52.1074 Legal authority.

(a) The requirements of §§ 51.11(b) and 51.14(a)(3)(iv) of this chapter are not met with respect to the vehicle inspection program and the heavy duty inspection and retrofit programs referred to in §§ 52.1073(c) and 52.1073(e), because a definite commitment to obtain legal authority was not made and a definite timetable to obtain legal authority was not submitted. The requirements of §§ 51.11(b) and 51.14(a)(3)(iv) of this chapter are also not met with respect to the strategy referred to in § 52.1073(e) to restrict vehicle use in the Metropolitan Baltimore Region during predicted stagnations because that strategy was not defined in sufficient detail to show what specific legal authority would be needed. With respect to the carpool locator program, the traffic flow program, and the program to increase the bus fleet size, all referred to in § 52.1073(d) copies of the relevant sources of legal authority were not submitted. Hence, the requirements of § 51.11(c) of this chapter are not met with respect to those strategies.

(b) The requirements of § 51.11(f) of this chapter are not fully met for the Maryland portion of the National Capital Region because it is not clearly demonstrated that all local agencies have requisite legal authority, or that the State retains responsibility for implementing the transportation control measures. The requirements of § 51.11(f) of this chapter are not met with respect to the traffic flow improvement program in the Metropolitan Baltimore Region, referred to in § 52.1073(d), since the State of Maryland does not have authority to carry on the program in the City of Baltimore if the City fails to implement it.

4. In § 52.1077, paragraph (c) is amended by revising the first sentence of paragraph (c)(2) and the first sentence of paragraph (c)(3) to read as follows:

§ 52.1077 Source surveillance.

* * * * *

(c) *Monitoring transportation sources.* * * *

(2) In order to assure the effectiveness of the inspection and maintenance programs and the retrofit devices required under §§ 52.1089, 52.1091, 52.1092, 52.1093, 52.1094, 52.1095, 52.1096, 52.1097, 52.1098, 52.1099, and 52.1100 the State shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. * * *

(3) In order to assure in the Maryland portion of the National Capital Interstate Region the effective implementation of the carpool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking and the parking surcharge approved in § 52.1073(b) and to assure in the Metropolitan Baltimore Intrastate Region the effective implementation of the traffic flow improvement program and the increased bus fleet approved in § 52.1073(d) and the exclusive bus lanes required under § 52.1108, the carpool locator program required under § 52.1104, the parking restrictions and limitations required under §§ 52.1109, and 52.1111, and the bikeways required under § 52.1106, the State shall monitor vehicle miles traveled and average vehicle speed for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. * * *

§ 52.1078 [Amended]

5. In § 52.1078, the attainment date table is revised by replacing the date "May 31, 1975", for attainment of the national standards for carbon monoxide in the Metropolitan Baltimore Intrastate Regions with the date May 31, 1977, and by replacing the letter "a" which designates the attainment date of national standards for photochemical oxidants in the Metropolitan Baltimore Intrastate Region with the date May 31, 1977.

6. In § 52.1080, paragraphs (i) through (k) are added to read as follows:

§ 52.1080 Compliance schedules.

* * * * *

(i) With respect to the transportation control strategies submitted on April 16, June 15, June 28, and July 9, 1973, by the State for the Metropolitan Baltimore Intrastate AQCR, the requirements of § 51.14(a)(3)(iv) of this chapter are not fully met for the measures for increased bus fleet and traffic flow improvements. Provisions to satisfy the requirements of § 51.14(a)(3)(iv) of this chapter and to cure lack of compliance with §§ 51.11(c) and 51.14(a)(3)(i) of this chapter are promulgated in paragraphs (j) and (k) of this section.

(j) With respect to the measure for increased bus fleet approved in § 51.1073(d) of this chapter:

(1) The State of Maryland shall, no later than January 31, 1974, submit a compliance schedule to the Administrator to put the program in effect. The compliance schedule shall, at a minimum, include copies of the legal authority which authorizes purchase of buses and shall also provide that the State of Maryland shall, on or before March 1, 1974, submit to the Administrator a statement, signed by the official or officials of the State who are authorized to enter into contracts for bus purchase, indicating that financial commitments have been made or definitely will be made by the State of Maryland to purchase buses at least in the following amounts and according to the following schedule:

(i) June 1973 to June 1974—150 buses.
(ii) June 1974 to June 1975—75 buses.
(iii) June 1975 to June 1976—75 buses.
(iv) June 1976 to June 1977—75 buses.

(k) With respect to the measures for traffic flow improvements approved in § 52.1073(d):

(1) The State of Maryland and, with respect to projects under its control, the City of Baltimore, shall, on or before March 1, 1974, each submit to the Administrator a compliance schedule which shall be subject to the Administrator's approval and which shall include, at a minimum, copies of all relevant sources of authority for the program of traffic flow improvements, a signed statement by the Governor of Maryland, the Mayor of Baltimore or their designees, identifying the sources of funding for the program, and a complete list of specific projects and their estimated initiation and completion dates. All projects necessary to the pollution reduction benefits claimed in the State plan must be completed by May 31, 1977. On or before May 1, 1974, the State of Maryland and the City of Baltimore shall submit to the Administrator legally adopted regulations providing for completion of the projects in accordance with the compliance schedule.

(2) The State of Maryland and the City of Baltimore shall in the compliance schedule required pursuant to this paragraph, indicate for each project in the traffic management program the increase anticipated in average annual daily traffic volume within twenty years of project completion on the road or highway in question because of the project. No project shall be approved by the Administrator if the air pollution benefits in terms of speeding traffic flow will be negated by increased traffic volume.

7. Section 52.1081 is amended by adding paragraphs (c) and (d) to read as follows:

§ 52.1081 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

* * * * *

(c) With respect to the transportation control plan for the Metropolitan Baltimore Intrastate Region submitted by the State on April 16, June 15, June 28, and July 9, 1973, the requirements of § 51.14(a)(3)(i) and (ii) of this chapter are not met because there are no proposed regulations, nor an adequate description of enforcement and administrative procedures for the carpool locator program approved in § 52.1073(d). To cure these deficiencies and the deficiencies set out in §52.1074(a), a carpool locator regulation is promulgated in § 52.1104. The requirements of §51.14(a)(3)(i) of this chapter are also not met, in

whole or in part, for inspection/maintenance, heavy duty retrofit, and restricted vehicle use during predicted stagnations referred to in § 52.1073(e), and the traffic flow improvement program referred to § 52.1073(d).

(d) The requirements of § 51.14(c) of this chapter are not met with respect to the restrictions on vehicle use during predicted stagnations disapproved in § 52.1073(e). Maryland has not demonstrated the availability of a reliable method or system for predicting air episodes. The requirements of § 51.14(c) of this chapter are also not met with respect to gasoline vapor controls since Maryland does not propose to achieve any specific percentage of emission reductions with the control apparatus it proposes, nor does it demonstrate what reduction the controls it proposes will achieve.

8. Section 52.1082 is amended by adding paragraph (b) to read as follows:

§ 52.1082 Rules and regulations.

* * * * *

(b) The requirements of § 51.22 of this chapter are not met for the Metropolitan Baltimore Intrastate Region because adopted regulations to implement proposed stationary control measures referred to in § 52.1073(d) establishing an "emission freeze" were not submitted, and adopted regulations to control gas handling and dry cleaning emissions, measures referred to in § 52.1073(d), were not submitted in time to be approved prior to this promulgation. Substitute regulations for gas handling and dry cleaning emissions are promulgated in §§ 52.1101, 52.1102, and 52.1107. The gasoline vapor recovery regulations as promulgated specify a 90 percent reduction in emissions, thus curing the defect noted in paragraph (d) of § 52.1081. A substitute regulation for the emission freeze is promulgated in § 52.1112.

9. Part 52 is amended by adding new sections to read as follows:

§ 52.1095 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles that need emission control-related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 GVW or more.

(5) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This section is applicable within the Metropolitan Baltimore Intrastate AQCR.

(c) The State of Maryland shall establish an inspection and maintenance program applicable to all light-duty, medium-duty, and heavy-duty vehicles registered in the area specified in paragraph (b) of this section that operate on public streets or highways over which it has ownership or control. The State may exempt any class or category of vehicles that the State finds is rarely used on public streets or highways (such as classic or antique vehicles). No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty, medium-duty, and heavy-duty motor vehicles at periodic intervals no more than 1 year apart by means of a loaded emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 30 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive within two weeks, the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.

(5) Provisions for beginning the first inspection cycle by August 1, 1975, and completing it by July 31, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After July 31, 1976, the State shall not register or allow to operate on public streets or highways any light-duty, medium-duty, or heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After July 31, 1976, no owner of a light-duty, medium-duty, or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of Maryland shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and regulations that it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

§ 52.1096 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) "Vacuum spark advance disconnect retrofit" means a device or system installed on a motor vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed, so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide of at least 25 and 9 percent, respectively, from 1967 and earlier light-duty vehicles.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Metropolitan Baltimore Intrastate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before January 1, 1976, all light-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate vacuum spark advance disconnect retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same extent as a vacuum spark advance disconnect retrofit. No later than February 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposed for adoption. The compliance schedule shall also include a date by which the State shall evaluate

and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than January 1, 1976.

(4) A provision that starting no later than January 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1095 unless it has been first equipped with an approved vacuum spark advance disconnect retrofit device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After January 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After January 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that vacuum spark advance disconnect devices or other devices approved pursuant to this section are not commercially available.

§ 52.1097 Oxidizing catalyst retrofit—Baltimore.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle (and if necessary, includes an air pump) so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide of at least 50 and 50 percent, respectively, from light-duty vehicles of 1971–1975 model years and of least 50 and 50 percent, respectively, from medium-duty vehicles of 1971–1975 model years.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Metropolitan Baltimore Intrastate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty and medium-duty vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are able to operate on 91 RON gasoline, are equipped with an appropriate oxidizing catalyst retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided by § 52.1095 unless it has been first equipped with an approved oxidizing catalyst device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision

(5) Methods and procedures for ensuring that those installing the retrofit device have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) Any vehicle which is manufactured equipped with an oxidizing catalyst, or which is certified to meet the original 1975 light-duty vehicle emission standards set forth in section 202 (b)(1)(A) of the Clean Air Act of 1970 (without regard to any suspension of such standards), shall be exempt from the requirements of this section.

§ 52.1098 Light-duty air/fuel control retrofit.

(a) Definitions:

(1) "Air-Fuel control retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air-fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbons and carbon monoxide of at least 25 and 40 percent, respectively, from 1968 through 1971 model year light-duty vehicles.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Metropolitan Baltimore Intrastate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before August 1, 1976, all light-duty vehicles of 1968–1971 model years which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to § 52.1097, which are registered in the area specified in paragraph (b) of this section are equipped with an appropriated air/fuel control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same

extent as an air/fuel control device. No later than February 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) Provisions for beginning the installation of the retrofit devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than August 1, 1976.

(4) A provision that starting no later than August 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1095 unless it has been first equipped with an approved air/fuel control retrofit, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After August 1, 1976, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After August 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.1099 Medium-duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/fuel control retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbons and carbon monoxide of at least 15 and 30 percent, respectively, from 1973 and earlier medium-duty vehicles.

(2) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Metropolitan Baltimore Intrastate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-duty vehicles of model years prior to 1974 which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to § 52.1097, which are registered in the area specified in paragraph (b) of this section, are equipped with an appropriate air/fuel control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than February 1, 1974, State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) Provisions for beginning the installation of the retrofit devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) A provision that beginning no later than May 31, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1095 unless it has been first equipped with an approved air/fuel control retrofit, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those persons installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1976, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.1100 Heavy-duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/fuel control retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air-fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy-duty vehicles" means a gasoline-powered motor vehicle rated at 10,000 lb gross vehicle weight (GVW) or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Metropolitan Baltimore Intrastate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy-duty vehicles registered in the area specified in paragraph (b) of this section are

equipped with an appropriate air/fuel control retrofit or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same extent as an air/fuel control retrofit. No later than April 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluation and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the device on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1095 unless it has been first equipped with an approved air/fuel control retrofit, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air/fuel control retrofits or other devices approved pursuant to this section are not commercially available.

§ 52.1101 Gasoline transfer vapor control.

(a) Definitions:

(1) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Baltimore Intrastate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration - condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.1102 of this subpart.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfers made to storage tanks equipped with floating roofs or their equivalent.

(e) Every owner or operator of a stationary storage container or delivery vessel subject to this section shall comply with the following compliance schedule:

(1) *April 1, 1974.* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) *May 1, 1974.* Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) *January 1, 1975.* Initiate on-site construction or installation of emission control equipment.

(4) *February 1, 1976.* Complete on-site construction or installation of emission control equipment.

(5) *March 1, 1976.* Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification to the Administrator within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976, and prior to that

date shall comply with paragraph (e) of this section as far as possible. Any facility subject to this section which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.1102 Control of evaporative losses from the filling of vehicular tanks.

(a) Definitions:

(1) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Metropolitan Baltimore Intrastate AQCR.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered; and

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by § 52.1101(c) can be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule.

(1) *April 1, 1974.* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with provisions of paragraph (c) of this section.

(2) *July 1, 1974.* Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) *January 1, 1975.* Initiate on-site construction or installation of emission control equipment.

(4) *May 1, 1977.* Complete on-site construction or installation of emission control equipment or process modification.

(5) *May 31, 1977.* Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(h) Paragraph (g) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(i) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

(j) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977 and prior to that date shall comply with paragraph (g) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.1104 Carpool Commuter Matching System.

(a) Definitions:

(1) "Carpool" means two or more persons utilizing the same vehicle.

(2) "Carpool matching" means assembling lists of commuters sharing similar travel needs and providing a mechanism by which persons on such lists may be put in contact with each other for the purpose of forming carpools.

(3) "Time-origin-destination (TOD) information" means information that identifies a commuter's work schedule, home and work location, or the location of other desired origins and destinations of trips (such as shopping or recreational trips).

(4) "Pilot program" means a program that is initiated on a limited basis for the purpose of facilitating a future full scale regional program.

(b) This section is applicable in the Metropolitan Baltimore Intrastate AQCR (the Region).

(c) Beginning June 1, 1975, the State of Maryland shall, unless exempted by the Administrator on the basis of a finding that equivalent service is being or will be provided by some other public or private entity, establish a computer-aided carpool matching system which is conveniently available at least to all employees of employers within the Region who employ 100 or more employees. The system shall as soon as practicable, be made available to employees of smaller employers. No later than June 1, 1974, the State of Maryland shall submit to the Administrator a program, legally adopted (through regulation or statute) by and legally binding on the State, providing for such a system. The program shall include:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form with a cover letter describing the matching program.

(ii) Provisions on each application for applicant identification of his TOD information, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the Region and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service so that the master list of all applicants is retained and available for use by new applicants, applications are currently available, and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing and maintaining the carpool computer matching system.

(d) No later than January 1, 1975, a pilot program shall be initiated in the Region identified in paragraph (b) of this section in preparation for the full implementation required under paragraph (c) of this section.

§ 52.1105 Employer's provision for mass transit priority incentives.

(a) Definitions:

(1) "Employee parking space" means any parking space reserved or provided by an employer for the use of his employees.

(b) This section is applicable in the Metropolitan Baltimore Intrastate AQCR (the Region).

(c) Each employer in the Region who maintains more than 700 employee parking spaces shall, on or before February 1, 1974, submit to the Administrator an adequate transit incentive program designed to encourage the use of mass transit and discourage the use of single-passenger automobiles by his employees. This program may contain provisions for subsidies to employees who use mass transit, reductions in the number of employee parking spaces, or surcharges on the use of such spaces by employees, provision of special charter buses or other modes of mass transit for the use of employees, preferential parking and other benefits to employees who travel to work by carpool and/or any other measure acceptable to the Administrator. By April 1, 1974, the Administrator shall approve such program for each employer if he finds it to be adequate, and shall disapprove it if he finds it not to be adequate. Notice of such approval or disapproval will be published in this Part 52.

(d) In order to be approvable by the Administrator, such program shall contain procedures whereby the employer will supply the Administrator with semi-annual certified reports which shall show, at a minimum the following information:

(1) The number of employees at each of the employer's facilities within the Region on October 15, 1973, and as of the date of the report.

(2) The number of (i) free and (ii) non-free employee parking spaces provided by the employer at each such employment facility on October 15, 1973, and as of the date of the report.

(3) The number of employees regularly commuting to and from work by (i) private automobile, (ii) carpool, and (iii) mass transit at each such employment facility on October 15, 1973, and as of the date of the report.

(4) Such other information as the Administrator may prescribe.

(e) If, after the Administrator has approved a transit incentive program, the employer fails to submit any reports in full compliance with paragraph (d) of this section, or if the Administrator finds that any such report has been intentionally falsified, or if the Administrator determines that the program is not in operation or is not providing adequate incentives for employee use of carpools and mass transit, the Administrator may revoke the approval of such plan. Such revocation shall constitute a disapproval.

(f) By April 1, 1974, the Administrator shall prescribe a transit incentive program for each employer to whom paragraph (c) of this section is applicable if such employer has not submitted a program. By June 1, 1974, the Administrator shall prescribe a transit incentive program for each employer to whom paragraph (c) of this section is applicable if the program submitted is not adequate. Within two months after any revocation pursuant to paragraph (e) of this section, the Administrator shall prescribe a transit incentive program for the affected employer. Any program prescribed by the Administrator shall be published in this Part 52.

(g) Each employer in the Region who maintains more than 70 employee parking spaces shall, on or before February 1, 1975, submit to the Administrator an adequate transit incentive program conforming to the requirements of paragraphs (c) and (d) of this section, except that in paragraph (d) of this section, the reference date of reports shall be October 15, 1974, rather than October 15, 1973. Each such program shall be subject to approval or disapproval by the Administrator by April 1, 1975. Each such program, when approved, shall be subject to revocation as provided in paragraph (e) of this section.

(h) By April 1, 1975, the Administrator shall prescribe a transit incentive program for each employer to which paragraph (g) of this section is applicable if such employer has not submitted a program. By June 1, 1975, the Administrator shall prescribe a transit incentive program for each employer to which paragraph (g) of this section is applicable if the program submitted is not adequate. Within two months after any revocation of any program of any employer pursuant to paragraph (e) of this section, the Administrator shall prescribe a transit incentive program for the affected employer. Any program prescribed by the Administrator shall be published in this Part 52.

§ 52.1106 Study and establishment of bikeways in the Baltimore area.

(a) Definitions:

(1) "Baltimore CBD" is defined as the area in the City of Baltimore, Maryland, enclosed by, but not including, Centre Street, Fallsway, Falls Avenue, Pratt Street, Greene Street, Franklin Street, and Eutaw Street.

(b) This regulation is applicable in the Metropolitan Baltimore Intrastate AQCR.

(c) The State of Maryland shall, according to the schedule set forth in paragraph (d) of this section, conduct a study of, and shall in that study recommend locations for exclusive bicycle lanes and bicycle parking facilities in the area described in paragraph (b) of this section. The study shall be made with a view toward maximum safety and security. The study shall include consideration of the physical designs for such lanes and parking facilities, and of rules of the road for bicyclists and, to the extent that present rules must be modified because of bicycle lanes, new rules of the road for motorists. In conducting the study, opportunity shall be given for public comments and suggestions. The study shall recommend as large a network of new CBD (and return) oriented commuter bicycle lanes and bicycle parking facilities as is practicable within the area described in paragraph (b) of this section and shall recommend physical designs for said lanes and facilities. The networks shall contain at least 15 miles of exclusive bicycle lanes in each direction.

(d) The State of Maryland shall submit to the Administrator no later than March 1, 1974, a detailed compliance schedule showing the steps that will be taken to carry out the study required by paragraph (c) of this section. The compliance schedule shall at a minimum include:

(1) Designation of the agency responsible for conducting the study.

(2) A date for initiation of the study, which date shall be no later than May 1, 1974.

(3) A date for completion of the study, and submittal thereof to the Administrator, which date shall be no later than March 1, 1975.

(4) A detailed timetable describing the steps that must be taken and when these steps will be taken to ensure the timely submittal of any legislation needed to generally authorize establishment of bikeways and parking facilities in Maryland to the State legislature

(e) On or before April 1, 1975, the Administrator shall submit to the State of Maryland his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the route and parking facility location and designs recommended in the study, or shall designate alternative and/or additional route and parking facility locations and designs.

(f) The State of Maryland and such county and local jurisdictions as the State shall request to participate in the establishment of the networks (the State must request the participation of a county or local jurisdiction if the participation of that jurisdiction is necessary to the establishment of the lanes and other facilities required by this section) shall establish, according to the schedule set forth in the compliance schedule required by paragraph (g) of this section, bike lanes and parking facilities along the routes and in the locations approved or designated by the Administrator pursuant to paragraph (e) of this section.

(g) On or before June 1, 1975, the State of Maryland, and such county and local jurisdictions as the State has requested to participate (and are, therefore, required to participate by paragraph (f) of this section) shall submit to the Administrator compliance schedules which shall show in detail the steps which each governmental entity will take to establish the bike lanes and parking facilities required by this section. The schedule must include as a minimum the following:

(1) Each lane and parking facility must be identified with a date set for its establishment.

(2) The design, security and safety features of each lane and parking facility must be precisely described and shown to be in accord with the designs approved or designated by the Administrator pursuant to paragraph (e) of this section.

(3) A date must be set for the initiation of lane and parking construction, which date shall be no later than September 1, 1975.

(4) A date must be set for completion of 50 percent of lane and parking construction, which date shall be no later than February 1, 1976.

(5) A date must be set for completion of 100 percent of lane and parking construction, which date shall be no later than May 31, 1976.

(6) Designations must be made of the agencies responsible for guaranteeing the establishment of the lanes and facilities in accordance with the Administrator's response to the State study.

(7) Signed statements of the chief executives of all jurisdictions involved in the establishment of the lanes and parking facilities required by this section, or their designees, must be submitted identifying the sources and amounts of funding for the programs required by this section, along with a timetable to ensure that proper funds will be available.

(h) No later than August 1, 1975, each governmental entity required by this section to establish bicycle lanes and/or parking facilities, shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(i) Notwithstanding paragraph (c) of this section, if prior to the completion and submittal of the study required by paragraph (c) of this section, the State of Maryland has good and reasonable cause, through public comment or otherwise, to believe that the maximum practicable network of bicycle lanes will be less than 15 miles, in each direction, the State shall so notify the Administrator and shall obtain his concurrence or nonconcurrence, and shall conduct the remainder of the study to assure that the network of lanes shall be that mileage specified by the Administrator. Notice pursuant to this paragraph (i) shall be given no later than the beginning of the ninth month of the study.

§ 52.1107 Control of dry cleaning solvent evaporation.

(a) Definitions:

(1) "Dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(2) "Organic solvents" means organic materials, including diluents and thinners, which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(3) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(iii) A combination of ethylbenzene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

(b) This section is applicable to the Metropolitan Baltimore Intrastate AQCR.

(c) No person shall operate a dry cleaning operation using other than perchloroethylene, 1,1,1-trichloroethane, or saturated halogenated hydrocarbons unless the uncontrolled organic emissions from such operation are reduced at least 85 percent: *Provided*, That dry cleaning operations emitting less than 8 pounds per hour and less than 40 pounds per day of uncontrolled organic materials are exempt from the requirement of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic emissions being incinerated must be oxidized to carbon dioxide.

(e) Any owner or operator of a source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents no later than May 31, 1974, or by controlling emissions as required by paragraphs (c) and (d) of this section by May 31, 1974.

§ 52.1108 Exclusive bus lanes for Baltimore suburbs and outlying areas.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway, which lane is open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Baltimore CBD" means the area in the City of Baltimore, Maryland, enclosed by, but not including, Centre Street, Fallsway, Falls Avenue, Pratt Street, Greene Street, Franklin Street, and Eutaw Street.

(b) The State of Maryland and such county and local jurisdictions as the State may request to participate (the State must request the participation of a county or local jurisdiction by December 15, 1974, if the participation of that jurisdiction is necessary to the establishment of the lanes required by this section) shall establish, according to the schedule in paragraph (f) of this section, bus/carpool lanes along corridors connecting at least the following suburban or outlying areas (or alternative areas if indicated in the study required by paragraph (c) of this section and approved by the Administrator) to the Baltimore CBD:

(1) Catonsville, Maryland
(2) Towson, Maryland
(3) Pikesville, Maryland
(4) Middle River and Essex, Maryland
(5) Overlea and Parkville, Maryland
(6) Halethorpe, Maryland
(7) Baynesville, Maryland
(8) Mount Washington section, Baltimore, Maryland
(9) Dundalk, Maryland
(10) Randallstown, Maryland
(11) Hunting Ridge section, Baltimore, Maryland.
(12) Linthicum, Maryland
(13) Sparrows Point, Maryland

For each route either approved or designated by the Administrator pursuant to paragraph (d) of this section, except the route between the Baltimore CBD and Sparrows Point, at least one bus/carpool lane shall be established to serve traffic traveling toward the Baltimore CBD from 6:30 to 9:30 a.m. (or for a longer time), and at least one bus/carpool lane shall be established to serve traffic traveling toward the suburban or outlying areas from 3:30 to 6:30 p.m. (or for a longer time), Monday through Saturday. Along the route between the Baltimore CBD and Sparrows Point, Maryland, at least one bus/carpool lane shall be established to serve traffic traveling toward Sparrows Point from 6:30 to 9:30 a.m. (or for a longer time), and at least one bus/carpool lane shall be established to serve traffic traveling toward the Baltimore CBD from 3:30 to 6:30 p.m. (or for a longer time), Monday through Saturday.

(c) On or before November 1, 1974, the State of Maryland shall submit to the Administrator a study which shall contain for each of the corridors described in paragraph (b) of this section a detailed analysis showing every specific route location considered by the State for the corridor. The study shall designate one of the specific routes examined for each corridor as the most practicable route for that corridor. The study shall fully present the advantages and disadvantages of establishing the bus/carpool lanes provided for in paragraph (b) of this section along the most practicable route. For any corridor identified in this section along which the State concludes that bus/carpool lanes are not feasible, the State shall designate a replacement corridor connecting the Baltimore CBD and another significant source of CBD-bound traffic along which bus/carpool lanes are feasible. An analysis of the substituted corridor shall be included similar to the analysis of the original corridor, to show the most practicable route for said bus/carpool lanes.

(d) On or before December 1, 1974, the Administrator shall submit to the State of Maryland his response to the study required by paragraph (c) of this section, and shall in that response, either approve the routes selected by the State as most practicable and feasible for bus/carpool lanes, or shall designate alternative routes on which bus/carpool lanes must be established.

(e) On or before February 1, 1975, the State of Maryland and such county and local jurisdictions as the State has requested to participate (and are, therefore, required by paragraph (b) of this section to establish lanes) shall submit to the Administrator compliance schedules which shall show in detail the steps which each governmental entity will take

to establish the bus/carpool lanes required by this section, and to enforce the limitations on their use. In the compliance schedule submitted pursuant to this paragraph a governmental entity may designate limited segments of lanes which may be entered briefly by vehicles, otherwise excluded from such lanes, for reasons of safety or sound traffic planning. Such exceptions shall be subject to the approval of the Administrator. Special circumstances justifying the need for such an exception (such as the desire to allow an exclusive lane to be entered briefly by automobiles for purposes of making a turn) must be set forth in detail.

(f) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, signs or physical barriers. Twenty-five percent of the lane mileage for each of the governmental entities must be established and the needed signs installed by July 1, 1975; fifty percent by October 1, 1975; one hundred percent by January 1, 1976.

(g) A signed statement by the chief executive of each governmental entity establishing lanes, or his designee, shall be submitted to the Administrator no later than February 1, 1975, to identify the sources and amount of funds for all projects required by this section.

(h) No later than April 1, 1975, each governmental entity required by this section to establish lanes shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

§ 52.1109 Regulation for limitation of public parking.

(a) Definitions:

(1) "On-street parking" means stopping a motor vehicle on any street, highway, or roadway (except for legal stops at or before intersections and as caution and safety require) whether or not a person remains in the vehicle.

(b) This section is applicable in the Metropolitan Baltimore Intrastate AQCR.

(c) Beginning May 1, 1975, each appropriate governmental entity shall prohibit on-street parking, Monday through Saturday, on all streets and highways over which it has ownership or control and which contain exclusive bus or bus/carpool lanes pursuant to § 52.1108. The prohibition against on-street parking on any particular street or highway shall be only for the period during which such street or highway has a lane or lanes reserved for buses, and/or carpools. Momentary stopping for the pickup or discharge of passengers on exclusive bus or bus/carpool lanes at established passenger stops shall be permitted. No later than April 1, 1975, each governmental entity subject to the requirements of this section shall submit to the Administrator legally adopted regulations establishing such a prohibition program. At a minimum, such regulations must provide that vehicles parked in violation of the prohibition shall be towed away and the owner shall be fined not less than $50 per violation.

(d) No later than February 1, 1975, governmental entities subject to this section shall submit to the Administrator detailed compliance schedules showing the steps they will take to establish and enforce the foregoing on-street parking limitation program, including statutory proposals and needed regulations that they will propose for adoption.

§ 52.1110 Gasoline limitations.

(a) Definitions:

(1) "Distributor" means any person or entity that transports, stores, or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(2) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This regulation is applicable in the Metropolitan Baltimore Intrastate AQCR (the Region) to all distributors of gasoline to any retail outlet in the Region, and to the owners and operators of all retail outlets in the Region.

(c) If the Administrator determines, on the basis of air quality monitoring in the Region, that the national ambient air quality standards for carbon monoxide and/or photochemical oxidants will not be attained in the Region by May 31, 1977, the Administrator shall implement a program, to be effective no later than May 31, 1977, limiting the total gallonage of gasoline delivered to retail outlets in the Region to that amount which, when combusted, will not result in the ambient air quality standards being exceeded.

(d) All distributors to which this section applies shall provide the Administrator with a detailed annual accounting of the amount of gasoline delivered to each retail outlet in the Region for calendar year 1976 and for each calendar year during which the gasoline limitation program is in effect. The owner or operator of each retail outlet to which this section applies shall provide the Administrator with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year, for each year during which the gasoline limitation program is in effect. All accountings required by this section shall be provided no later than 90 days after the end of the applicable year. The Administrator may require any other report that he may deem necessary for the implementation of this section.

§ 52.1111 Management of parking supply.

(a) Definitions:

(1) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or portion thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(5) "Commence" means to undertake a continuous program of onsite construction or modification.

(b) This section is applicable in the Metropolitan Baltimore Intrastate AQCR.

(c) The requirements of paragraphs (d) through (i) of this section are applicable to the following parking facilities in the area specified in paragraph (b) of this section, the construction or modification of which is commenced after August 15, 1973.

(1) Any new parking facility with parking capacity for 250 or more motor vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 250 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under paragraphs (c)(1) and/or (c)(2) of this section but which, when all such increments occurring since August 15, 1973, are added together, as a total would subject the facility to review under paragraphs (c)(1) and/or (c)(2) of this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided that this paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or an agency approved by him that:

(1) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan and will be consistent with the plan's VMT reduction goals.

(2) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application.

(f) Except to the extent that the Administrator or agency designated by him may waive any such requirement in writing, all applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities that it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(7) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transmit from such areas.

(8) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(9) An estimate of the effect of the facility on traffic pattern and flow.

(10) An estimate of the effect of the facility on total VMT for the air quality control region.

(11) Additional information, plans, specifications, or documents as required by the Administrator.

(g) If the Administrator or agency designated by him specifically so requests, the application shall also include an analysis of the effect of the facility on site and regional air quality, including a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from the date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(h) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with applicable rules, regulations, permit conditions, and the design submitted in the application.

(i) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the region described in paragraph (b) of this section, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the area described in paragraph (b) of this section.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

(j) For any new parking facility with capacity for 50 to 249 motor vehicles, any facility which will be modified to increase parking capacity by 50 to 249 motor vehicles, and any facility constructed or modified in increments which individually are not subject to review under this paragraph, but which, when all such increments occurring since August 15, 1973 are added together, as a total would subject the facility to review under this paragraph, no person shall commence construction or modification without first furnishing to the Administrator or an agency designated by him, the information required by paragraphs (f)(1) through (f)(5) of this section. No approval will be required by the Administrator unless the determination specified in paragraph (k) of this section is made. This paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(k) If the Administrator, or an agency designated by him, determines, and gives prominent public notice of such determination, that construction of parking lots of 50 to 249 spaces (or modification of parking lots to add 50 to 249 spaces) in any geographical subdivision of the area specified in paragraph (b) of this section, is having or is likely to have a significant detrimental effect on the control strategies in this transportation control plan or on air quality, he may require approval by him, or an agency designated by him, pursuant to the procedures in paragraph (d) through (i) of this section prior to construction of any additional such lots in such a subdivision. The Administrator shall approve an application unless he determines that the facility to be constructed would, either in itself or when viewed as part of a pattern of development, have a significant adverse impact on the applicable transportation control strategy.

§ 52.1112 Control and prohibition of sources of photochemically reactive organic materials.

(a) Definitions

(1) "Standard Industrial Classification Major Group" shall mean that classification and major group assigned to an industry and published in the Standard Industrial Classification Manual, 1972, Executive Office of the President, Office of Management and Budget, Statistical Policy Division, Washington, D.C., 1972.

(2) "Photochemically Reactive Organic Materials" shall include any of the following:

(i) Hydrocarbons, alcohols, aldehydes, esters, or ketones, any of which has an olefinic or cyclo-olefinic type unsaturation,

(ii) Aromatic compounds with seven (7) or more carbon atoms,

(iii) Ketones having branched hydrocarbon structure,

(iv) Motor vehicle fuel with a true vapor pressure greater than 1.5 psia at 78° F,

(v) Organic solvents which have been in direct contact with flame in the presence of oxygen,

(vi) Compounds emitted from a process in which organic solvents are baked, heat cured, or heat polymerized in the presence of oxygen.

(b) This section is applicable in the Metropolitan Baltimore Intrastate AQCR.

(c) No person shall, after December 12, 1973, construct any source, or group of sources of the same Standard Industrial Classification Major Group owned or operated by the same person in the area designated in paragraph (b) of this section, which after complying with all other applicable provisions of the implementation plan for the Metropolitan Baltimore Intrastate Region (as approved and promulgated pursuant to Section 110 of the Clean Air Act of 1970), will discharge to the atmosphere more than 550 lbs. per day of photochemically reactive organic materials.

(d) No person shall, after December 12, 1973, cause, suffer, allow, or permit an increase in the average daily emissions of photochemically reactive organic material from any existing source, or group of sources, subject to the provisions of subsection .04J of 10.03.38 of the State of Maryland "Regulations Governing the Control of Air Pollution in Area III", which source, or group of sources, emits more than 550 pounds per day of photochemically reactive organic materials.

(e) Specifically exempted from the requirements of paragraph (c) of this section is new construction associated with the relocation or replacement of existing facilities subject to the provisions of subsection .04J of 10.03.38 of the State of Maryland "Regulations Governing the Control of Air Pollution in Area III", provided that emissions from said new construction will not exceed those allowed from existing facilities by paragraph (d) of this section.

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PART III

COST ACCOUNTING STANDARDS BOARD

■

Disclosure Statement Form for Colleges and Universities

Basic Requirements

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER E—DISCLOSURE STATEMENT

PART 351—BASIC REQUIREMENTS

Colleges and Universities

The purpose of this publication by the Cost Accounting Standards Board is to modify Part 351, Basic Requirements, of its rules and regulations. A proposed modification to Part 351 was published in the FEDERAL REGISTER of September 17, 1973 (38 FR 26072). That proposal dealt with a Disclosure Statement form designed expressly for submission by colleges and universities. Comments were requested on that proposal from the general public.

Pub. L. 91-379 which applies to most negotiated defense prime contracts and subcontracts in excess of $100,000 requires that contractors shall disclose in writing their cost accounting practices. The Disclosure Statement form, CASB-DS-1 has been designed to facilitate the meeting of this requirement by contractors. Representatives of colleges and universities had expressed to the Board a desire to have a separate Disclosure Statement to cover their practices. Form CASB-DS-2, being published today, was devised for that purpose and incorporates terminology more commonly used by colleges and universities.

Comments on the September 17 proposal were received from 15 commentators, who offered suggestions for changing the proposed form to explain or further clarify the intent of the questions. Insofar as practicable, the Board has made changes to the college and university Disclosure Statement form to accommodate the suggestions made.

Colleges and universities required to submit Disclosure Statements after April 1, 1974, should use Form CASB-DS-2. Any college or university which has previously submitted a Disclosure Statement should use Form CASB-DS-2 for any amendments which are to be effective after April 1, 1974.

The following modifications to Part 351 of the Board regulations are being made today:

Section 351.140—*Disclosure statement* is amended by inserting the following after the first sentence thereof:

§ 351.140 Disclosure statement.

* * * For the form to be used by colleges and universities, see § 351.145.

A new § 351.145 is added to read as follows:

§ 351.145 Disclosure statement—colleges and universities.

The data which are required to be disclosed by colleges and universities are set forth in detail in the Disclosure Statement Form, CASB-DS-2, which will be devised by the Cost Accounting Standards Board and will be arranged substantially as set forth below.

(Sec. 103, 84 Stat. 796 (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

COST ACCOUNTING STANDARDS BOARD
DISCLOSURE STATEMENT
REQUIRED BY PUBLIC LAW 91-379
COLLEGES AND UNIVERSITIES

GENERAL INSTRUCTIONS

1. This Disclosure Statement has been designed to meet the requirements of Public Law 91-379, and persons completing it are to describe their contract cost accounting practices. For timing of requirement to file a Disclosure Statement, see 4 C.F.R. 351.40 and .41. For complete regulations and instructions concerning submission of the Disclosure Statement, refer to the FEDERAL REGISTER, Title 4, Parts 331 and 351. A Statement must be submitted by all defense contractors who enter into negotiated national defense contracts with the United States in excess of $100,000 other than contracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. A separate Disclosure Statement must be submitted by each organizationally independent and self-sufficient educational institution or a segment of an educational system that substantially has such characteristics of independence and self-sufficiency, whose costs included in the total price of any covered contract exceed $100,000, except where such costs are based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public; or (2) prices set by law or regulation. If the cost accounting practices under contracts are identical for more than one organizational unit, then only one Statement need be submitted for those units, but each such organizational unit must be identified. A Disclosure Statement will also be required for each system (home) office or group office when costs are allocated to one or more system segments performing contracts covered by Public Law 91-379, but only Part VIII of the Statement need be completed.

2. The Statement must be signed by an authorized signatory of the reporting unit.

FORM CASB- DS-2

COST ACCOUNTING STANDARDS BOARD
DISCLOSURE STATEMENT
REQUIRED BY PUBLIC LAW 91-379
COLLEGES AND UNIVERSITIES

GENERAL INSTRUCTIONS

3. The Disclosure Statement should be answered by checking the appropriate box or inserting the applicable letter code which most nearly describes the reporting unit's cost accounting practices. Pen and ink may be used to enter the check or letter code. Part I of the Statement asks for general information concerning the reporting unit. Part VIII covers System (Home) and Group (Intermediate) offices whose costs are allocated to one or more segments performing contracts covered by Public Law 91-379. Part VIII should be completed by each such office, and care should be taken to insure proper identification of such offices on the cover of the Disclosure Statement. In short, while a System (Home) or Group Office may have more than one reporting unit submitting Disclosure Statements, only one Statement need be submitted to cover the System (Home) or Group Office operations.

4. A number of questions in this Statement may need narrative answers requiring more space than is provided. In such instances, the reporting unit should use the continuation sheets provided. The number of the question involved should be indicated and the same coding required to answer the questions in the Statement should be used in presenting the answer in the continuation sheet. The reporting unit should indicate on the last continuation sheet used, the number of such sheets that were used.

5. Amendments shall be submitted to the same offices, including the Cost Accounting Standards Board, to which submission would have to be made were an original Disclosure Statement being filed. If on a year to year basis the responses to Items 1.1.0 through 1.4.0, 8.1.0, and 8.2.0 would remain the same, the contractor need not resubmit data concerning these particular items. Otherwise, revised data must be submitted annually at the beginning of the contractor's fiscal year. If fewer than five of the other items in the Disclosure Statement on file are changed, a letter notice precisely identifying the Disclosure Statement, the specific items

FORM CASB- IG-2

COST ACCOUNTING STANDARDS BOARD
- DISCLOSURE STATEMENT
REQUIRED BY PUBLIC LAW 91 379
COLLEGES AND UNIVERSITIES

GENERAL INSTRUCTIONS

being amended, and the nature of the changes will suffice. If five or more items are changed, the entire Disclosure Statement shall be resubmitted. Resubmitted Disclosure Statements must be accompanied by a notation specifying the items which have been changed and the nature of the change.

FORM CASB- DS-2

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379 COLLEGES AND UNIVERSITIES	INDEX

FORM CASB- DS-2

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379 COLLEGES AND UNIVERSITIES	COVER SHEET AND CERTIFICATION NAME OF REPORTING UNIT

Item No.	Item Description
0.1	College or University: (a) Name (b) Street Address (c) City, State and ZIP Code (d) Division or Campus of (if applicable)
0.2	Reporting Unit is: (Check one.) A. [ ] Independently Administered Public Institution B. [ ] Independently Administered Private Institution C. [ ] Administered as part of a Public System D. [ ] Administered as part of a Private System E. [ ] Other _____
0.3	Official to Contact Concerning this Statement: (a) Name and title (b) Phone number (including area code and extension)
0.4	Date of: (a) This statement (b) Most recent prior statement
0.5	Cognizant Federal Agency, in accordance with OMB Circular No. 88 for: (a) Auditing of Federal grants and contracts _____ (b) Negotiation of indirect cost rates and other special rates _____

CERTIFICATION

I certify that to the best of my knowledge and belief this Statement is the complete and accurate disclosure as of the above date by the above-named organization of its cost accounting practices, as required by the Disclosure Regulation of the Cost Accounting Standards Board under 50 U.S.C. App. 2168, Public Law 91-379 (4 CFR 351).

_____
(Name)

_____
(Title)

THE PENALTY FOR MAKING A FALSE STATEMENT IN THIS DISCLOSURE IS PRESCRIBED IN 18 U.S.C. 1001

FORM CASB- DS-2

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379 COLLEGES AND UNIVERSITIES	PART I - GENERAL INFORMATION NAME OF REPORTING UNIT

Item No.	Item Description
	Instructions for Part I Data for this part should cover the most recently completed fiscal year of the reporting unit. Estimates are permitted for Items 1.1.0 through 1.4.0; if the reporting unit has operated for less than a full fiscal year the figures should be estimated for the first full fiscal year.
1.1.0	Annual Total Current Fund Revenues. (Check one.) A. [ ] Less than $1 million B. [ ] $1-$10 million C. [ ] $11-$25 million D. [ ] $26-$50 million E. [ ] $51-$100 million F. [ ] $101-$200 million G. [ ] $201-$500 million H. [ ] Over $500 million
1.2.0	Annual Total Current Fund Revenues from Federal sources. (Check one.) A. [ ] Less than $1 million B. [ ] $1-$10 million C. [ ] $11-$25 million D. [ ] $26-$50 million E. [ ] $51-$100 million F. [ ] $101-$200 million G. [ ] $201-$500 million H. [ ] Over $500 million
1.3.0	Annual Total Current Fund Federal Revenues, Item 1.2.0, as Percentage of Total Current Fund Revenues, Item 1.1.0. (Check one.) A. [ ] Less than 10% B. [ ] 10%-50% C. [ ] 51%-80% D. [ ] 81%-95% E. [ ] Over 95%
1.4.0	Percentage Distribution of Annual Total Current Fund Federal Revenues (Item 1.2.0) by Function. (Indicate approximate whole percentage. The total of entries for (a) through (e) below must equal 100.) (a) _____% Contracts and grants for research and development (b) _____% Contracts and grants for educational services (c) _____% Contracts and grants for public service (d) _____% Grants for student aid (e) _____% Other (Describe on continuation sheet.)

FORM CASB- DS-2

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379 COLLEGES AND UNIVERSITIES	PART I - GENERAL INFORMATION NAME OF REPORTING UNIT

Item No.	Item Description
1.5.0	Description of Your Accounting System for Recording Direct Expenses Charged to Government Contracts and Grants. (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] Accrual B. [ ] Modified accrual basis (Describe on a continuation sheet.) C. [ ] Cash basis Y. [ ] Other (Describe on a continuation sheet.)
1.6.0	Integration of Cost Accounting with Financial Accounting. The cost accounting system is: (Check one. If B or C is checked, describe on a continuation sheet the costs which are accumulated on memorandum records.) A. [ ] Integrated with financial accounting records (Subsidiary cost accounts are all reconcilable to general ledger control accounts.) B. [ ] Not integrated with financial accounting (Cost data are accumulated on memorandum records.) C. [ ] Combination of A and B
1.7.0	Cost Principles. How are your costs under Federal contracts and grants determined? A. [ ] In accordance with OMB Circular No. A-21 B. [ ] A-21 and some other cost principles (Describe on a continuation sheet the principles used.) C. [ ] Other cost principles (Describe on a continuation sheet the principles used.)
1.8.0	Year, Month, Day on Which Your Most Recent Fiscal Year Ended. (Enter in blocks below. Use numeric terms, e.g., 730630 for June 30, 1973; 721231 for December 31, 1972.) [ ][ ][ ][ ][ ][ ]

FORM CASB- DS-2

Item No.	Item Description
	Instructions for Part II This part covers three elements of direct costs, i.e., Direct Materials and Supplies, Direct Salaries and Wages, and Other Direct Costs. It is not the intent here to spell out or define the three elements of direct costs. Rather, institutions should disclose practices based on their own definitions of what costs are, or will be, charged directly to Government contracts and grants or similar cost objectives as Direct Materials and Supplies, Direct Salaries and Wages, or Other Direct Costs. For example, some institutions may charge or classify purchased services of a direct nature, as "Direct Materials" for purposes of pricing proposals, requests for progress payments, claims for cost reimbursement, etc.; some other institutions may classify the same cost as "Direct Salaries and Wages" and still others as "Other Direct Costs." In these circumstances, it is expected that institutions will disclose practices consistent with their own classifications of Direct Materials and Supplies, Direct Salaries and Wages, and Other Direct Costs.
2.1.0	Description of Direct Materials. All materials and supplies directly identified with contracts, grants or other final cost objectives. (Describe on a continuation sheet the principal classes of materials and service costs which are charged as direct materials and supplies.)
2.2.0	Method of Charging Direct Materials and Supplies.
2.2.1	Direct Charge Not Through an Inventory Account at: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] Standard costs (Describe the type of standards used, e.g., current standards, basic standards, etc., on a continuation sheet.) B. [ ] Actual costs Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable
2.2.2	Charged from Central or Common, Institution-owned Inventory Account at: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] Standard costs (Describe the types of standards used on a continuation sheet.) B. [ ] Average Costs C. [ ] First in, first out D. [ ] Last in, first out Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable

COST ACCOUNTING STANDARDS BOARD
DISCLOSURE STATEMENT
REQUIRED BY PUBLIC LAW 91-379
COLLEGES AND UNIVERSITIES

PART II - DIRECT COSTS

NAME OF REPORTING UNIT

Item No.	Item Description
2.3.0	Timing of Charging Direct Materials. (Check the appropriate block(s) in each column to indicate the point in time at which materials are charged to Government contracts and grants or similar cost objectives, and if more than one block is checked in a column, explain on a continuation sheet.)

	Direct Charge Items (1)	Common Inventory Items (2)
A. When orders are placed	[ ]	[ ]
B. When material is received, or when fabricated, if fabricated in house	[ ]	[ ]
C. When material is issued or released to Government contracts and grants or similar cost objectives	[ ]	[ ]
D. When material is consumed or incorporated in end product	[ ]	[ ]
E. When invoices are vouchered or paid	[ ]	[ ]
Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]
Z. Not applicable	[ ]	[ ]

2.4.0	Variances from Standard Costs for Direct Materials. (Do not complete this item unless you use a standard cost method, i.e., you have checked Block A of Item 2.2.1, or 2.2.2. If standard costs are used, describe variance accounts and method of disposing of balances on a continuation sheet.)

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART II - DIRECT COSTS -
	NAME OF REPORTING UNIT

Item No.	Item Description
2.5.0	Method of Charging Direct Personal Services. (Check the appropriate block(s) for each Direct Personal Services Category to show how it is charged to Government contracts and grants or similar cost objectives, and if more than one block is checked in a column, explain on a continuation sheet.)

	Direct Personal Services Category		
	Professional (Including Faculty) (1)	Services (Shops, etc.) (2)	Other Non-Professional (3)
A. Payroll Distribution Method (Individual/actual rates)	[ ]	[ ]	[ ]
B. Average costs/rates (Describe the type of rates and extent of use on a continuation sheet.)	[ ]	[ ]	[ ]
C. Standard costs/rates (Describe the type of standards used on a continuation sheet.)	[ ]	[ ]	[ ]
D. Stipulated Salary Support	[ ]	[ ]	[ ]
Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Personal Services category is not applicable	[ ]	[ ]	[ ]

2.6.0	Variances from Standard Costs for Direct Personal Services. (Do not complete this item unless you use a standard cost/rate method, i.e., you have checked Block C of Item 2.5.0 for any direct personal services category. If Standard costs are used, describe variance accounts and method of disposing of balances on a continuation sheet.)
2.7.0	Credits to Contract or Grant Costs. When Government contracts, grants, or similar cost objectives are credited for the following circumstances, are the rates of direct personal services, direct materials, other direct costs and applicable indirect costs always the same as those for the original charges? (Check one block for each circumstance, and for each "No" answer, explain on a continuation sheet how the credit differs from original charge.)

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART II - DIRECT COSTS
	NAME OF REPORTING UNIT

Item No.	Item Description
2.7.0	(Continued)

Circumstance	A. Yes	B. No	Z. Not Applicable
(a) Transfers to other projects, grants or contracts	[ ]	[ ]	[ ]
(b) Unused or excess materials remaining upon completion of grant or contract	[ ]	[ ]	[ ]

2.8.0	Interorganizational Transfers.

This item is directed only to those materials, supplies, and services which are, or will be, transferred to you from organizational units under common control with you.

(Check the appropriate block(s) in each column to indicate the basis used by you as transferee to charge the cost or price of interorganizational transfers or materials, supplies, and services to Government contracts, grants or similar cost objectives. If more than one block is checked in a column, explain on a continuation sheet.)

Basis	Materials (1)	Supplies (2)	Services (3)
A. At full cost excluding transferor's general administrative and general expenses	[ ]	[ ]	[ ]
B. At full cost including transferor's general administrative and general expenses	[ ]	[ ]	[ ]
C. At full cost (A or B above) plus a markup percentage	[ ]	[ ]	[ ]
D. At established catalog or market price or prices based on adequate competition	[ ]	[ ]	[ ]
Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Interorganizational transfers are not applicable	[ ]	[ ]	[ ]

Item No.	Item Description
3.1.0	Criteria for Determining How Costs are Charged to Government Contracts and Grants and Similar Cost Objectives such as Other Sponsored Research, Departmental Research, Instruction or Professional and Public Service Activities. (Describe on a continuation sheet your criteria for determining whether costs are charged directly or indirectly.)
3.2.0	Treatment of Costs of Specified Functions, Elements of Cost, or Transactions. (For each of the functions, elements of cost or transactions listed in Items 3.2.1, 3.2.2, and 3.2.3, enter one of the Codes A through F, or Y, to indicate how the item is treated. Enter Code Z in those blocks that are not applicable to you. Also, specify the name(s) of the indirect pool(s) for each function, element of cost, or transaction coded E or F. If Code E, Sometimes direct/Sometimes indirect, is used and if there is a deviation from the criteria described in response to Item 3.1.0, explain on a continuation sheet the circumstances involved which cause the deviation.)

Treatment Code

A. Direct material
B. Direct Personal Services
C. Direct material and personal services
D. Other direct costs
E. Sometimes direct/Sometimes indirect
F. Indirect only
Y. Other(s) (Describe on a continuation sheet.)

Z. Not applicable

3.2.1 Functions, Elements of Cost, or Transactions Relative to Direct Materials.

	Treatment Code	Name of Pool(s)
(a) Cash discounts on purchases	[ ]	
(b) Freight in	[ ]	
(c) Income from sale of scrap	[ ]	
(d) Income from sale of salvage	[ ]	
(e) Incoming material inspection	[ ]	
(f) Inventory adjustments	[ ]	
(g) Purchasing	[ ]	
(h) Trade discounts, refunds, rebates, and allowances on purchases	[ ]	

Item No.	Item Description

3.2.2 Functions, Elements of Cost, or Transactions Relative to Direct Personal Services

	Treatment Code	Name of Pool(s)
(a) Health insurance	[ ]	
(b) Holiday differential (premium pay)	[ ]	
(c) Overtime premium pay	[ ]	
(d) Pension costs	[ ]	
(e) Shift premium pay	[ ]	
(f) Training	[ ]	
(g) Travel and subsistence	[ ]	
(h) Vacation pay	[ ]	
(i) Sabbatical leave	[ ]	
(j) Tuition and fees paid	[ ]	
(k) Tuition remission	[ ]	

3.2.3 Functions, Elements of Cost, or Transactions -- Miscellaneous

	Treatment Code	Name of Pool(s)
(a) Computer operations	[ ]	
(b) Grant and Contract administration	[ ]	
(c) Professional services (consultant fees)	[ ]	
(d) Rearrangement costs	[ ]	
(e) Royalties	[ ]	
(f) Service activities (shops, duplicating, etc.)	[ ]	
(g) Special test equipment (as defined in ASPR 13-101.6 or other pertinent procurement regulations)	[ ]	

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART III - DIRECT VS. INDIRECT
	NAME OF REPORTING UNIT

Item No.	Item Description
3.2.3	Functions, Elements of Cost, or Transactions — Miscellaneous (Continued) (h) Specialized service facilities operated by the institution (wind tunnels, reactors, etc.) [ ] _____ (i) Subcontract costs [ ] _____ (j) Secretarial services [ ] _____ (k) Clerical services [ ] _____
3.3.0	Other Costs Charged Direct to Contracts and Grants. (Describe on a continuation sheet all other significant functions, elements of cost or transactions charged to Government contracts or grants or similar cost objectives as direct material, direct salaries and wages or other direct costs. Do not include functions or costs covered in Items 2.1.0, 2.5.0, and 3.2.0 which are always charged direct. Describe also whether there are any deviations from the criteria set out in Item 3.1.0 with respect to any continuation sheet items.)

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Item No.	Item Description

Instructions for Part IV

The following Apportionment and Allocation Base Codes are provided for use in connection with Items 4.1.0, 4.2.0 and 4.3.0.

A. Salaries and wages
B. Salaries and wages and fringe benefits
C. Total expenditures
D. Modified total expenditures (explain how modified)
E. Square feet/cubic feet
F. Usage
G. Unit of product
H. Total production
I. Number of students (head count)
J. Number of students (full-time equivalent)
K. Student hours--classroom and work performed
Y. Other(s) or more than one base (Describe on a continuation sheet.)
Z. Pool not applicable

4.1.0 Indirect Cost Pools and Apportionment and Allocation Bases. (Enter for each type of indirect cost pool one of the Apportionment or Allocation Base Codes A through K or Y, to indicate the basis for allocating or apportioning such pool of expense between research, instruction and other institutional activities. Enter Code Z in those blocks for types of pools that are not applicable to the reporting unit.)

Type of Pool	Apportionment Base Code	Allocation Base Code
(a) Building use charge or depreciation	[ ]	[ ]
(b) Equipment use charge or depreciation	[ ]	[ ]
(c) Utilities	[ ]	[ ]
(d) Plant operation and maintenance	[ ]	[ ]
(e) General administrative and general expense	[ ]	[ ]
(f) Departmental administration	[ ]	[ ]
(g) Research and administration	[ ]	[ ]
(h) Library expense	[ ]	[ ]
(i) Student services	[ ]	[ ]
(j) Fringe benefits	[ ]	[ ]
(k) Other pools (Enter Code Y on this line if other pools are used and identify on a continuation sheet each such pool and its Allocation Base Code. If no other pools are used, enter Code Z.)	[ ]	[ ]

4.2.0 Indirect Cost Distribution

Rates used for distributing indirect costs to contracts and grants.

Item No.	Item Description

4.2.0 Continued

Rate Type Code

OMB Circular A-21 provides for the following types of rates to be used in distributing indirect costs to contracts and grants:

A. Predetermined Fixed Rates
B. Negotiated Fixed Rates with carry forward provisions
C. Provisional rate with post determination
D. Negotiated Lump Sum (describe how computed on continuation sheet)
E. Abbreviated Procedure
Y. Other (describe on continuation sheet)
Z. Rate not applicable

4.2.1 Indirect Cost Rates

List the indirect cost rate or rates used by your institution to distribute indirect costs to contracts and grants. Describe for each rate whether it applies to research, instructional, educational service or other activity. Enter for each indirect cost rate the allocation base code A through K or Y listed on page 10 and the rate type code A through E or Y above which are applicable to that rate.

	Description of Indirect Cost Rates	Allocation Base Code	Rate Type Code
		(1)	(2)
4.2.2	Research rates		
	(a)	[ ]	[ ]
	(b)	[ ]	[ ]
	(c)	[ ]	[ ]
4.2.3	Instructional rates		
	(a)	[ ]	[ ]
	(b)	[ ]	[ ]
4.2.4	Educational Service rates		
	(a)	[ ]	[ ]
	(b)	[ ]	[ ]
4.2.5	Other rates (Enter Code Y on this line if other rates are used and identify on a continuation sheet each such rate as well as its Allocation Base Code and its Rate Type Code.)	[ ]	[ ]

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART IV - INDIRECT COSTS - NAME OF REPORTING UNIT

Item No.	Item Description
4.3.0	Service Centers and Allocation Bases. Service centers are departments or other functional units which perform specific technical and/or administrative services for the benefit of other units within a reporting unit. Category Code Generally, costs incurred by such centers are, or can be, charged or allocated (i) partially to specific contracts and grants as direct costs and partially to indirect cost pools (such as Departmental Administration) for subsequent reallocation referred to herein as Category "A" or (ii) only to one or more other indirect cost pools (such as operations and maintenance, research administration, student services, etc.) for subsequent reallocation, referred to herein as Category "B". Rate Code Some service centers may use predetermined billing or costing rates to charge or allocate the costs (Rate Code A) while others may charge or allocate on an actual basis (Rate Code B). (Enter in Column (1) for each service center, Code A or B to indicate the category of pool. Enter in Column (2) one of the Allocation Base Codes A through K, or Y, listed on Page 10, to indicate the basis of charging or allocating service center costs. Enter in Column (3) Rate Code A or B to describe the costing method used. Enter Code Z in Column (1) only, if any service center is not applicable to the reporting unit.)

Service Center	Category Code (1)	Allocation Base Code (2)	Rate Code (3)
(a) Scientific computer operations	[ ]	[ ]	[ ]
(b) Business data processing	[ ]	[ ]	[ ]
(c) Photography services	[ ]	[ ]	[ ]
(d) Reproduction services	[ ]	[ ]	[ ]
(e) Art services	[ ]	[ ]	[ ]
(f) Technical typing services	[ ]	[ ]	[ ]
(g) Communication services	[ ]	[ ]	[ ]
(h) Glass blowing	[ ]	[ ]	[ ]
(i) Auto pool services	[ ]	[ ]	[ ]
(j) Institution aircraft services	[ ]	[ ]	[ ]
(k) Wind tunnels	[ ]	[ ]	[ ]
(l) Personnel	[ ]	[ ]	[ ]

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART IV -- INDIRECT COSTS NAME OF REPORTING UNIT

Item No.	Item Description
4.3.0	Continued

Service Center	Category Code (1)	Allocation Base Code (2)	Rate Code (3)
(m) Material handling/procurement	[ ]	[ ]	[ ]
(n) Accounting services/payroll	[ ]	[ ]	[ ]
(o) Security	[ ]	[ ]	[ ]
(p) Fringe benefits	[ ]	[ ]	[ ]
(q) Quality control	[ ]	[ ]	[ ]
(r) Other service centers (Enter Code Y on this line if other service centers are used and identify on a continuation sheet each such service center, its Category Code, Allocation Base Code, and Rate Code. If no other service centers are used, enter Code Z in Column 1.)	[ ]	[ ]	[ ]

4.4.0 Treatment of Variances from Actual Cost (Underabsorption or Overabsorption). Where predetermined billing or costing rates are used to charge costs of service centers to Government contracts and grants, other final cost objectives, or indirect cost pools (Rate Code A in Column (3) of Item 4.3.0), variances from actual costs are: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.)

A. [ ] Prorated to users on the basis of charges made, at least once annually

B. [ ] All charged or credited to indirect cost pool(s) at least once annually

C. [ ] Variances carried forward to a subsequent period with rates adjusted to correct under-or over-absorption of costs

Y. [ ] Other(s) (Describe on a continuation sheet.)

Z. [ ] Service center with variance is not applicable to reporting unit

4.5.0 Major Types of Indirect Costs. (For each pool coded other than Z in Items 4.1.0, and 4.3.0, list on a continuation sheet the major functions, activities, and elements of cost included.)

4.6.0 Allocation Base. (For each allocation base code used in Item 4.1.0, 4.2.2 through 4.2.5, and 4.3.0, describe on a continuation sheet the makeup of the base; for example, if direct salaries and wages are used, are overtime premium, fringe benefits, etc., included. Also, indicate the most recent date when any study was made that is used as a basis for the allocation of costs.)

Item No.	Item Description
4.7.0	Application of Indirect Cost Rates to Specified Transactions or Costs. This item is directed to ascertaining your practice in special situations where, in lieu of establishing a separate indirect cost pool, allocation is made from an established pool at less than the normal full rate for that pool. The term "less than full rate" below applies to this type of indirect cost allocation practice. The term does not apply to situations where, as in some cases of off-site activities, etc., a separate indirect cost pool and base are used and the rate of such activities is lower than the "in-house" rate. (For each of the transactions or costs listed below, enter one of the following codes to indicate your indirect cost allocation practice with respect to that transaction or cost. If Code A, less than full rate, is entered, describe on a continuation sheet the major types of expense in Item 4.1.0 that are covered by such a rate. If Code B, Full rate, is entered, identify on a continuation sheet the rate(s) reported under Item 4.2.0 which are applicable. If Code C, Combination of A and B, is entered, describe on a continuation sheet the applicable expense and pool data.) Rate Code A. Less than full rate B. Full rate C. Combination of A and B D. No indirect cost is applied Z. Transaction or cost is not applicable to reporting unit Transaction or Cost to Which Indirect Costs May be Allocated — Rate Code (a) Subcontract costs [ ] (b) Purchased labor [ ] (c) Government-furnished materials [ ] (d) Interorganizational transfers in [ ] (e) Interorganizational transfers out [ ] (f) Self-constructed depreciable assets [ ] (g) Labor on installation of assets [ ] (h) Off-site work [ ] (i) Other transactions or costs (Enter Code A on this line if there are other transactions or costs to which less than full rate is applied. List such transactions or costs on a continuation sheet, and for each describe the major types of expenses covered by such a rate. If there are no other such transactions or costs, enter Code Z.) [ ]

Item No.	Item Description
4.8.0	Proposal costs as defined in Section J.28 of OMB Circular No. A-21 or other pertinent procurement regulations, as revised are treated as follows: (Check the appropriate block(s) and if more than one block is checked, explain on a continuation sheet.) A. [ ] Charged to the general administrative and general expense cost pool B. [ ] Charged to research administration cost pool C. [ ] Charged to departmental administration cost pool D. [ ] Charged directly to contracts and grants E. [ ] Charged directly to instruction Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART V--DEPRECIATION AND CAPITALIZATION PRACTICES BASE OF REPORTING UNIT

Item No.	Item Description
5.1.0	Depreciating Tangible Assets for Government Contract and Grant Costing. (For each of the asset categories listed on Page 17, enter a code from A through G in Column (1) describing the method of depreciation (Code F for assets that are expensed); a code from A through E in Column (2) describing the basis for determining useful life; a code from A through C in Column (3) describing how depreciation methods or use allowances are applied to property units; and a Code A, B or C in Column (4) indicating whether or not residual value is deducted from the total cost of depreciable assets. Enter Code Y in each column of an asset category where another or more than one method applies. Enter Code Z in Column (1) only, if an asset category is not applicable.) Column (1)--Depreciation Method Code A. Straight line B. Declining balance C. Sum-of-the-years digits D. Machine hours E. Unit of production F. Expensed at acquisition G. Use allowance Y. Other or more than one method (Describe on a continuation sheet.) Z. Asset category is not applicable Column (2)--Useful Life Code A. U.S. Treasury Department guidelines B. Replacement experience C. Term of lease D. Engineering estimate E. As prescribed for use allowance by the Office of Management and Budget Circular No. A-21 Y. Other or more than one method (Describe on a continuation sheet.) Column (3)--Property Units Code A. Individual units are accounted for separately B. Applied to groups of assets with similar service lives C. Applied to groups of assets with varying service lives Y. Other or more than one method (Describe on a continuation sheet.) Column (4)--Residual Value Code A. Residual value is deducted B. Residual value is covered by the depreciation method (e.g., declining balance) C. Residual value is not deducted Y. Other or more than one method (Describe on a continuation sheet.)

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART V--DEPRECIATION AND CAPITALIZATION PRACTICES BASE OF REPORTING UNIT

Item No.	Item Description
5.1.0	Continued

Asset Category	Depreciation Method Code (1)	Useful Life Code (2)	Property Units Code (3)	Residual Value Code (4)
(a) Land improvements	[ ]	[ ]	[ ]	[ ]
(b) Buildings	[ ]	[ ]	[ ]	[ ]
(c) Building improvements	[ ]	[ ]	[ ]	[ ]
(d) Leasehold improvements	[ ]	[ ]	[ ]	[ ]
(e) Machinery and equipment	[ ]	[ ]	[ ]	[ ]
(f) Furniture and fixtures	[ ]	[ ]	[ ]	[ ]
(g) Automobiles and trucks	[ ]	[ ]	[ ]	[ ]
(h) Data processing equipment	[ ]	[ ]	[ ]	[ ]
(i) Programming/reprogramming costs	[ ]	[ ]	[ ]	[ ]
(j) Patterns and dies	[ ]	[ ]	[ ]	[ ]
(k) Tools	[ ]	[ ]	[ ]	[ ]
(l) Aircraft	[ ]	[ ]	[ ]	[ ]
(m) Laboratory and test equipment	[ ]	[ ]	[ ]	[ ]
(n) Enter Code Y on this line if other asset categories are used and enumerate on a continuation sheet each such asset category and the applicable codes. Otherwise enter Code Z.)	[ ]	[ ]	[ ]	[ ]

Item No.	Item Description
5.2.0	Fully Depreciated Assets. Where depreciation accounting methods are used to charge Government contracts and grants for the use of tangible fixed assets, are charges made after such assets have been fully depreciated? (Check one. If Yes, describe the basis for the charge on a continuation sheet. Check Code Z if depreciation accounting methods are not used.) A. [ ] Yes B. [ ] No Z. [ ] Not applicable

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART V--DEPRECIATION AND CAPITALIZATION PRACTICES NAME OF REPORTING UNIT

Item No.	Item Description
5.3.0	Capitalization or Expensing of Specified Costs. (Check one block on each line to indicate your practices regarding capitalization or expensing of specified costs incurred in connection with capital assets. If the same specified cost is sometimes expensed and sometimes capitalized, check Blocks A and B and describe on a continuation sheet the circumstances when each method is used.)

Cost	A. Expensed	B. Capitalized	Z. Not Applicable
(a) Freight-in	[ ]	[ ]	[ ]
(b) Installation costs	[ ]	[ ]	[ ]
(c) Sales taxes	[ ]	[ ]	[ ]
(d) Excise taxes	[ ]	[ ]	[ ]
(e) Architect-engineer fees	[ ]	[ ]	[ ]
(f) Overhauls (extraordinary repairs	[ ]	[ ]	[ ]
(g) Major modifications or betterments	[ ]	[ ]	[ ]

5.4.0 Criteria for Capitalization. (Enter (a) the minimum dollar amount of expenditures which are capitalized for acquisition, addition, alteration and improvement of capital assets, and (b) the minimum number of expected life years of assets which are capitalized. Use leading zeros for dollar amount, e.g., 0150 for $150. If more than one dollar amount or number applies, show the information for the majority of your capitalized assets, and enumerate on a continuation sheet the dollar amounts and/or number of years for each category or subcategory or assets involved which differs from those for the majority of assets.)

(a) Minimum dollar amount [ ][ ][ ][ ] (b) Minimum life years [ ]

5.5.0 Group or Mass Purchase. Are group or mass purchases (initial complement) of similar items, which individually are less than the capitalization amount indicated above, capitalized? (Check one.)

A. [ ] Yes B. [ ] No

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	NAME OF REPORTING UNIT

Item No.	Item Description	Professorial (1)	Other Professional (2)	Nonprofessional (3)
6.1.0	Method of Charging and Crediting Vacation, Holiday, Sick Pay and Sabbatical Leave. (Check the appropriate block(s) in each column of Items 6.1.1 through 6.1.5 to indicate the method used to charge, or credit, any unused or unpaid vacation, holiday, sick pay, or Sabbatical leave. If more than one method is checked in a column, explain on a continuation sheet.)			
6.1.1	Charges for Vacation Pay			
	A. When accrued (earned)	[ ]	[ ]	[ ]
	B. When taken	[ ]	[ ]	[ ]
	Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
6.1.2	Charges for Holiday Pay			
	A. When accrued (earned)	[ ]	[ ]	[ ]
	B. When taken	[ ]	[ ]	[ ]
	Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
6.1.3	Charges for Sick Pay			
	A. When accrued (earned)	[ ]	[ ]	[ ]
	B. When taken	[ ]	[ ]	[ ]
	Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
6.1.4	Charges for Sabbatical Leave			
	A. When accrued (earned)	[ ]	[ ]	[ ]
	B. When taken	[ ]	[ ]	[ ]
	Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]

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	NAME OF REPORTING UNIT

Item No.	Item Description	Professorial (1)	Other Professional (2)	Nonprofessional (3)
6.1.5	Credits for Unused or Unpaid Vacation, Holiday, or Sick Leave			
	A. Credited to Government grants and contracts at least once annually	[ ]	[ ]	[ ]
	B. Credited to indirect cost pools at least once annually	[ ]	[ ]	[ ]
	C. Credited to Other (Miscellaneous) Income	[ ]	[ ]	[ ]
	D. Not credited	[ ]	[ ]	[ ]
	Y. Other(s)(Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]

6.2.0 Supplemental Unemployment (Extended Layoff) Benefit Plans. If costs of such plans are charged to Government contracts and grants; when are such charges made? (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.)

A. [ ] When actual payments are made directly to employees

B. [ ] When accrued (book accrual or funds set aside but no trust fund involved)

C. [ ] When contributions are made to a nonforfeitable trust fund

D. [ ] Not charged

Z. [ ] Not applicable

Y. [ ] Other(s)(Describe on a continuation sheet.)

6.3.0 Severance Pay. Costs of normal turnover severance pay, as defined in Section J. 36 of OMB Circular No. A-21, or other pertinent procurement regulations, which are charged directly or indirectly to Government contracts and grants, are based on: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.)

A. [ ] Actual payments made

B. [ ] Accrued amounts on the basis of past experience

C. [ ] Not charged

Y. [ ] Other(s)(Describe on a continuation sheet.)

Z. [ ] Not applicable

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	NAME OF REPORTING UNIT

Item No.	Item Description
6.4.0	Incidental Receipts. (Check the appropriate block(s) to indicate the method used to account for receipts from fees, fines, rents and services when related costs have been charged to Government contracts and grants. If more than one is checked, explain on a continuation sheet.) A. [ ] The entire amount of the receipt is credited to the same indirect cost pools to which related costs have been charged B. [ ] The entire amount of the receipt is credited directly to Other (Miscellaneous) Income Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable
6.5.0	Proceeds from Employee Welfare Activities. Employee welfare activities include all of those activities set forth in Section J.11 of OMB Circular No. A-21 or other pertinent procurement regulations. (Check the appropriate block(s) to indicate the practice followed in accounting for the proceeds from such activities. If more than one is checked, explain on a continuation sheet.) A. [ ] Proceeds are turned over to an employee-welfare organization or fund; such proceeds are reduced by all applicable costs such as depreciation, heat, light and power B. [ ] Same as A., except the proceeds are not reduced by all applicable costs C. [ ] Proceeds are credited at least annually to the appropriate indirect cost pools to which costs have been charged D. [ ] Proceeds are credited to Other (Miscellaneous) Income Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART VII--DEFERRED COMPENSATION AND INSURANCE COSTS NAME OF REPORTING UNIT

Item No.	Item Description
	Instructions for Part VII This part covers pension costs and certain types of deferred incentive compensation and insurance costs. Some organizations may record all of these costs at the main campus level or for public institutions at the governmental unit level, while others may record them at subordinate organization levels. Still others may record a portion of these costs at the main campus level and the balance at subordinate organization levels. Reporting units, therefore, should obtain the necessary information from the organizational level at which such costs are recorded.
7.1.0	Pension Costs. The actuarial terms used in this item are defined in Opinion Number 8 of the Accounting Principles Board, American Institute of Certified Public Accountants.
7.1.1	Pension Plans Charged to Government Contracts and Grants. Does your organization have one or more pension plans whose costs are charged to Government contracts and grants? (Check one.) A. [ ] Yes (If Yes, list each such plan on a continuation sheet [e.g., TIAA-CREF, University-Operated Plan, State Retirement Plan] and indicate the approximate number and type of employees covered by each plan.) B. [ ] No (If No, skip to Item 7.2.0.)
7.1.2	Is the pertinent information requested in Items 7.1.3 through 7.1.10 available to the reporting unit? A. [ ] Yes (Complete Items 7.1.3 through 7.1.10 for the three plans covering the greatest number of employees whose pension costs are charged to Government contracts and grants.) B. [ ] No (If no, skip to Item 7.2.0.)
7.1.3	Extent of Funding. (Check one block for each plan. In the event the amount funded for each plan is different from the amount charged on the books of account, describe the difference on a continuation sheet. If the actuarial cost method in use does not separately develop prior service costs, block A should be checked. If normal pension costs are not fully funded, check block "Y" and explain funding practices on a continuation sheet.)

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Item No.	Item Description			
		Plan I	Plan II	Plan III
	A. Normal costs only	[ ]	[ ]	[ ]
	B. Normal costs plus interest on past or prior service costs	[ ]	[ ]	[ ]
	C. Normal costs plus an amortized portion of past or prior service costs	[ ]	[ ]	[ ]
	Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]
7.1.4	Actuarial Cost Method. (Check one block for each plan to show the method used to compute normal and past or prior service costs.)			
		Plan I	Plan II	Plan III
	A. Accrued benefit cost	[ ]	[ ]	[ ]
	B. Aggregate	[ ]	[ ]	[ ]
	C. Attained age--initial liability frozen	[ ]	[ ]	[ ]
	D. Attained age--initial liability not frozen	[ ]	[ ]	[ ]
	E. Entry age--initial liability frozen	[ ]	[ ]	[ ]
	F. Entry age--initial liability not frozen	[ ]	[ ]	[ ]
	G. Individual level premium	[ ]	[ ]	[ ]
	Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]

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COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART VII--DEFERRED COMPENSATION AND INSURANCE COSTS
	NAME OF REPORTING UNIT

Item No.	Item Description	Plan I	Plan II	Plan III
7.1.5	Frequency of Actuarial Reevaluations. (Check one block for each plan.)			
	A. Annually	[ ]	[ ]	[ ]
	B. 2-3 years	[ ]	[ ]	[ ]
	C. 4-5 years	[ ]	[ ]	[ ]
	Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]
7.1.6	Criteria for Changing Actuarial Computations and Assumptions. (Describe on a continuation sheet your criteria for determining when actuarial assumptions and computations for your funded plan(s) are changed.)			
7.1.7	Amortization of Past or Prior Service Costs. (Check one block for each plan to show the period over which past or prior service costs are amortized.)	Plan I	Plan II	Plan III
	A. 10 years or less	[ ]	[ ]	[ ]
	B. 11-20 years	[ ]	[ ]	[ ]
	C. 21-40 years	[ ]	[ ]	[ ]
	Y. More than one amortization schedule (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]
7.1.8	Adjustment for Actuarial Gains and Losses. (Check one block for each plan to show the period for which costs are adjusted for actuarial gains and losses. If actuarial losses for a plan are treated differently from actuarial gains, describe the difference on a continuation sheet.)	Plan I	Plan II	Plan III
	A. Adjustment of past years' costs	[ ]	[ ]	[ ]
	B. Adjustment of current year's costs	[ ]	[ ]	[ ]
	C. Adjustment of future years' costs	[ ]	[ ]	[ ]
	Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]
7.1.9	Unrealized Gains and Losses. Do the actuarial gains and losses reported in Item 7.1.8 above include unrealized gains and losses? (Check one block for each plan. If Yes is checked, describe the method of recognition of such gains and losses on a continuation sheet.)	Plan I	Plan II	Plan III
	A. Yes	[ ]	[ ]	[ ]
	B. No	[ ]	[ ]	[ ]
	C. Not applicable	[ ]	[ ]	[ ]

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART VII--DEFERRED COMPENSATION AND INSURANCE COSTS
	NAME OF REPORTING UNIT

Item No.	Item Description	Plan I	Plan II	Plan III
7.1.10	Amortization of actuarial Gains and Losses. (Check one block for each plan to show the period over which actuarial gains and losses are amortized. If the amortization of actuarial losses for a plan is treated differently from the amortization of actuarial gains, describe the difference on a continuation sheet.)			
	A. 10 years or less	[ ]	[ ]	[ ]
	B. 11-20 years	[ ]	[ ]	[ ]
	C. More than 20 years	[ ]	[ ]	[ ]
	Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Not applicable	[ ]	[ ]	[ ]
7.2.0	Deferred Incentive Compensation Charged to Government Contracts and Grants.			
7.2.1	Deferred Incentive Compensation. Does your organization award deferred incentive compensation which is charged to Government contracts and grants? (Check one.)			
	A. [ ] Yes (If Yes is checked, list each plan by name or title on a continuation sheet and show the approximate number and type of employees covered. Complete Items 7.2.2 and 7.2.3 for the three plans covering the greatest number of employees whose deferred incentive compensation cost is charged to Government contracts and grants.)			
	B. [ ] No (If No is checked, skip to Item 7.3.0.)			
7.2.2	Qualification of Plan. (Check one block for each plan.)	Plan I	Plan II	Plan III
	A. Qualifies under section 401(a) of the Internal Revenue Code of 1954, as amended	[ ]	[ ]	[ ]
	B. Does not qualify under section 401(a) of the Internal Revenue Code of 1954, as amended	[ ]	[ ]	[ ]

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Item No.	Item Description
7.2.3	Method of Charging Costs to Government Contracts and Grants (Check one block for each plan.)

	Plan I	Plan II	Plan III
A. When accrued	[ ]	[ ]	[ ]
B. When contributions are made to a trust fund	[ ]	[ ]	[ ]
C. When paid directly to employees	[ ]	[ ]	[ ]
D. When other "nonqualified" payments are made	[ ]	[ ]	[ ]
Y. Other or more than one method (Describe on a continuation sheet.)	[ ]	[ ]	[ ]

7.3.0	Employee Group Insurance Charged to Government Contracts and Grants. (Includes coverage for life, hospital, surgical, medical long-term disability, accident, etc.)
7.3.1	Method of Providing Insurance. (Check one.) A. [ ] All by purchase B. [ ] All self-insured (If checked, skip to Item 7.4.0.) C. [ ] Combination of A and B above (Describe on a continuation sheet.) Z. [ ] Not applicable (If checked, skip to Item 7.5.0.)
7.3.2	Type of Purchased Insurance Plans. (Check one.) A. [ ] Retrospective rating (also called experience rating plan or retention plan) B. [ ] Manually rated Y. [ ] Other or more than one type (Describe on a continuation sheet.)

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Item No.	Item Description
7.3.3	Treatment of Earned Refunds and Dividends from Purchased Insurance Plans. Refunds are also called experience rating credits or retroactive rating credits. All earned refunds and dividends allocable to Government contracts and grants: (Check one.) A. [ ] Are credited directly or indirectly to contracts and grants in the policy year earned, in the same manner as the premiums are charged, B. [ ] Are credited directly or indirectly to contracts and grants in the year received in the same manner as the premiums are charged, not necessarily in the year earned, C. [ ] Which are estimated to be received in the future are accrued each year, as applicable, to currently reflect the net annual cost of the insurance, D. [ ] Or, portions thereof are not credited or refunded to the contractor each year and are retained by the carriers as reserves. (If D is checked, describe on a continuation sheet (i) the purposes of the reserves, other than "claims reserves" retained by carriers and (ii) whether such reserves are refundable on call or upon termination of the policies, clauses, or auxiliary agreements which provide for reserve retentions.) Y. [ ] Other or more than one method (Describe on a continuation sheet.)
7.3.4	Employee Contributions (Contributory Purchased Insurance Plans). (Check one.) A. [ ] Plans provide that employees contribute fixed amount, employer is responsible for balance B. [ ] Plans provide for fixed percentage participation by both employer and employee Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable
7.3.5	Employee Sharing in Refunds and Dividends (Contributory Purchased Insurance Plans). (Check one.) A. [ ] Employees do not participate in refunds and dividends unless employer's contribution is less than the refunds and dividends B. [ ] Employees share in refunds and dividends in the same fixed amount or percentage ratio as their contributions to premium costs

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Item No.	Item Description
7.3.5	Continued C. [ ] Employees do not share in refunds and dividends Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable
7.4.0	Self-Insurance Programs (Employee Group Insurance). Costs of the self-insurance programs are charged to Government contracts and grants: (Check one.) A. [ ] When accrued (book accrual only) B. [ ] When contributions are made to a non-forfeitable fund C. [ ] When contributions are made to a forfeitable fund D. [ ] When the benefits are paid to employees E. [ ] When amounts are paid to an employee welfare plan or union Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable
7.5.0	Workmen's Compensation, Liability and Casualty Insurance (Purchased Insurance Only). All allocable earned refunds and dividends under retrospectively rated workmen's compensation and liability insurance policies, and dividends and deposit refunds under casualty insurance policies, are: (Check one.) A. [ ] Credited directly or indirectly to Government contracts and grants in the year earned B. [ ] Credited directly or indirectly to Government contracts and grants in the year received, not necessarily in the year earned C. [ ] Accrued each year, as applicable, to currently reflect the net annual cost of the insurance D. [ ] Not credited or refunded to the contractor but are retained by the carriers as reserves Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable
7.6.0	Self-Insurance Programs (Workmen's Compensation, Liability and Casualty Insurance.)

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Item No.	Item Description
7.6.1	Workmen's Compensation and Liability. Costs of such self-insurance programs are charged to Government contracts and grants: (Check one.) A. [ ] When claims are paid or losses are incurred (no provision for reserves) B. [ ] When provisions for reserves are recorded based on the present value of the liability C. [ ] When provisions for reserves are recorded based on the full or undiscounted value, as contrasted with present value, of the liability D. [ ] When funds are set aside or contributions are made to a fund Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable
7.6.2	Casualty Insurance. Costs of such self-insurance programs are charged to Government contracts and grants: (Check one.) A. [ ] When losses are incurred (no provision for reserves) B. [ ] When provisions for reserves are recorded based on replacement costs C. [ ] When provisions for reserves are recorded based on reproduction costs new less observed depreciation (market value) excluding the value of land and other indestructibles D. [ ] Losses are charged to fund balance with no charge to contracts and grants (no provision for reserves) Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91 379 COLLEGES AND UNIVERSITIES	PART VIII - SYSTEM OR GROUP EXPENSES
	NAME OF REPORTING UNIT

Item No.	Item Description
	FOR SYSTEM (HOME) OFFICE, OR GROUP (INTERMEDIATE ADMINISTRATION) OFFICE, AS APPLICABLE. This part should be completed only by the central (home) office of an educational system where such an office is responsible for administering two or more reporting units (units filing Parts I through VII of the Disclosure Statement), and where it allocates its costs to such units. Data for this part should cover the most recently completed fiscal year. For a system (home) office, such data should cover the entire institution. For a group office, they should cover the subordinate organizations administered by that group office.
8.1.0	Annual Total Current Fund Revenues. (Check one.) A. [ ] Less than $50 million B. [ ] $50-$100 million C. [ ] $101-$200 million D. [ ] $201-$500 million E. [ ] $501 million-$1 billion F. [ ] Over $1 billion
8.2.0	Approximate Percentage of Current Fund Revenues from Federal sources to Annual Total Current Fund Revenues. (Check one.) A. [ ] Less than 5% B. [ ] 5%-10 C. [ ] 11%-25% D. [ ] 26%-50% E. [ ] 51%-80% F. [ ] Over 80%
8.3.0	Expenses or Pools of Expenses and Methods of Allocation. For classification purposes, three methods of allocation are defined: (i) Directly Chargeable--those expenses that are charged to specific segments for centrally performed or purchased services; (ii) Separately Allocated--those individual or groups of expenses which are allocated only to a limited group of institutional segments; and (iii) Overall Allocation--the remaining expenses which are allocated to all or most institutional segments on an overall basis. Institutional segments, as used here, refer to universities, colleges or campuses which are self-contained units having most of their own academic and business administration necessary for independent operation and receiving only minor services, support and direction from a system or group office. The term includes Government-owned, contractor operated (GOCO) facilities.

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	NAME OF REPORTING UNIT

Item No.	Item Description
	Allocation Base Codes A. Total expenditures B. Total salaries and wages C. Usage D. Unit of Product E. Population Y. Other or more than one base code (Describe on continuation sheet) Z. Not applicable (Enter the type of expenses or the name of the expense pool(s) and one of the Allocation Base Codes A through E, or Y, to indicate the basis of allocation. Use a continuation sheet if additional space is required.)

	Type of Expenses or Name of Pool of Expenses	Allocation Base Code
8.3.1	Directly Chargeable	
	(a)	[ ]
	(b)	[ ]
	(c)	[ ]
	(d)	[ ]
	(e)	[ ]
8.3.2	Separately Allocated	
	(a)	[ ]
	(b)	[ ]
	(c)	[ ]
	(d)	[ ]
	(e)	[ ]

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	NAME OF REPORTING UNIT

Item No.	Item Description
8.3.3	Overall Allocation (a) [ ] (b) [ ] (c) [ ] (d) [ ] (e) [ ]
8.4.0	Major Types of Expense. (For each pool reported in Items 8.3.1, 8.3.2 and 8.3.3 list on a continuation sheet the major functions, activities, and elements of cost included.)
8.5.0	Allocation Base. (For each Allocation Base used in Items 8.3.2 and 8.3.3, describe on a continuation sheet the makeup of the base; for example, if direct labor dollars is used, are overtime premium, fringe benefits, etc., included?)
8.6.0	Overall Allocation. Are expenses in this category, Item 8.3.3, allocated to all segments? (Check one. If No is checked, list on a continuation sheet the names of excluded segments and the reasons for their exclusion from the allocation.) A. [ ] Yes B. [ ] No Z. [ ] Not applicable
8.7.0	Transfer of Expenses. Are there normally transfers of expenses from segments to system or group office? (Check one. If Yes is checked, identify on a continuation sheet the classifications of expense, the names of the segments incurring the expense, and the system or group office pools in which the expenses are included. A. [ ] Yes B. [ ] No
8.8.0	Fixed Management Charges. Are fixed amounts of expenses charged to any segments in lieu of a prorata or allocation basis? (Check one. If Yes is checked, list on a continuation sheet the names of such segments and the basis for making fixed management charges.) A. [ ] Yes B. [ ] No
8.9.0	Government Owned/Contractor Operated (GOCO) Facilities. Are system or group office expenses allocated to GOCO facilities? (Check one. If Yes is checked, describe on a continuation sheet the types of expenses involved and the method of allocation.) A. [ ] Yes B. [ ] No Z. [ ] Not applicable

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	NAME OF REPORTING UNIT

Item No.	Item Description

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