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Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE
Department of Labor; Correction

In the FEDERAL REGISTER of August 10, 1973, (FR Doc. 73-16524) appearing on page 21621, § 213.3315(a) (32) was revoked in error. Section 213.3315(a) (32) reads as follows:

§ 213.3315 Department of Labor.

(a) Office of the Secretary. * * *

(32) One Special Assistant to the Counselor to the Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION

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

[FR Doc.74-7296 Filed 3-28-74;8:45 am]

PART 213—EXCEPTED SERVICE
Action

Section 213.3359 is amended to show that one position of Director, Evaluation Division, and one position of Director, Policy Management Division, Office of Policy and Program Development are excepted under Schedule C.

Effective on March 29, 1974, § 213.3359 (m) and (n) are added as set out below.

§ 213.3359 Action.

(m) Director, Evaluation Division, Office of Policy and Program Development.

(n) Director, Policy Management Division, Office of Policy and Program Development.

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

UNITED STATES CIVIL SERVICE COMMISSION

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

[FR Doc.74-7297 Filed 3-28-74;8:45 am]

Title 39—Postal Service
CHAPTER III—POSTAL RATE COMMISSION
PART 3002—ORGANIZATION
Change in Office Hours

APRIL 1, 1974.

The hours of the Postal Rate Commission will change effective April 1, 1974. Accordingly, § 3002.2(e) of the Code of Federal Regulations is changed to:

§ 3002.2 The Commission and its offices.

(e) Hours. The offices of the Commission will be open from 8:00 a.m. to 4:30 p.m. with the Docket Section open from 8:00 a.m. to 5:15 p.m. of each day except Saturdays, Sundays, and holidays, unless otherwise directed by Executive Order or officially declared, with appropriate notice.

By the Commission.

[SEAL] JOSEPH A. FISHER,
Secretary.

[FR Doc.74-7271 Filed 3-28-74;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS
Requirements, Quotas, and Quota Deficits for 1974

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act". The purpose of this amendment to sugar regulation 811, as amended, is to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall, as often as facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether any area or country will not market the quota for such area or country. On the basis of the quota established for Puerto Rico for the calendar year 1974, a finding was heretofore made (38 FR 31412) that Puerto Rico will be unable to market its quota by 700,000 short tons, raw value, and accordingly a quota deficit was determined for Puerto Rico for 700,000 tons. On the basis of the latest information on sugar production from the current Puerto Rican crop, it is herein found that Puerto Rico will be unable to fill its sugar quota by an additional 55,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1974 quota for Puerto Rico of 755,000 short tons, raw value.

It has been determined that on the basis of the 1973 crop harvest and the probable marketing of the 1974 crop in 1974 that the Texas Cane Area will be unable to market its 1974 quota by an estimated 40,000 tons. A deficit, therefore, is herein determined in the 1974 quota of the Texas Cane Area of 40,000 tons.

If production exceeds the present estimates for Puerto Rico or the Texas Cane Area, the marketing opportunities for each area within the total mainland quota for such area will not be limited as a result of the deficit determination and proration provided herein.

On the basis of information available to the Department, Venezuela will not be able to market any sugar to the United States in 1974. Therefore a deficit of 63,540 tons is herein determined in the quota established for Venezuela which consists of 46,726 tons of its section 202 quota and 16,814 tons of deficit declarations previously prorated to it.

Deficits determined herein for Puerto Rico, the Texas Cane Area and Venezuela totaling 158,540 tons are allocated pursuant to section 204(a) of the Act by assigning 30.08 percent of the section 202 deficits or 42,631 tons to the Republic of the Philippines and prorating the balance of 115,909 tons to Western Hemisphere countries.

On the basis of evidence submitted to the Department from Haiti, Panama, and Honduras, it is hereby determined that the combined deficits and shortfalls in their 1973 quotas of 11,446 tons, 3,363 tons, and 10,351 tons, respectively, were due to crop disaster and the quotas of these countries for future years will not be subject to reduction pursuant to section 202(d) (4) of the Act. Peru, Guatemala, Argentina and India fell short of filling their 1973 quotas through combined deficits and shortfalls totaling 25,873 tons. It is hereby determined that such deficits and shortfalls were within reasonable tolerances under circumstances which prevailed last year and that the quotas of these countries for 1974 and subsequent years will not be subject to reduction pursuant to section 202(d) (4) of the Act.

It is hereby determined that deficits previously declared and those declared herein constitute all known deficits on which data are currently ascertainable by the Department.

On the basis of preliminary data a reduction of 179,309 tons was made in the 1974 quota established for the West Indies (38 FR 31412) pursuant to section 202(d) (4) of the Act. On the basis of final import data in 1973 such reduction in

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the 1974 quota for the West Indies is reduced herein to 178,693 tons.

In 1973 Ireland was short of filling its quota by 4,244 tons while exporting to countries other than the United States. Therefore, pursuant to section 202(d) (4) of the Act the 1974 quota currently established for Ireland is hereby reduced by 4,244 tons, the amount of its shortfall. The quantity of 4,244 tons is allocated by assigning 30.08 percent to the Republic of the Philippines and prorating the balance to Eastern Hemisphere countries pursuant to section 202(d) (5) of the Act.

By virtue of the authority vested in the Secretary of Agriculture by the Act, part 811 of this chapter is hereby amended by amending §§ 811.31, 811.32, and 811.33 as follows:

1. Section 811.31 is amended by amending paragraph (a) (2) to read as follows:

§ 811.31 Quotas for domestic areas.

(a) (1) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1974 the Domestic Beet Sugar Area, the Texas Cane Area and Puerto Rico will be unable by 725,667, 40,000 and 755,000 short tons, raw value, respectively, to fill the quotas established for such areas in paragraph (a) (1) of this section. Pursuant to section 204 (b) of this Act, the determination of such deficits shall not affect the quotas established in paragraph (a) (1) of this section.

* * * * *

2. Section 811.32 is amended by amending paragraph (a) to read as follows:

§ 811.32 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 725,667; Puerto Rico 755,000; the Texas Cane Area 40,000; and Venezuela 46,726. Such deficits totaling 1,567,393 short tons, raw value, are reallocated by (1) allocating 399,781 tons to the Republic of the Philippines; (2) prorating 929,278 tons to Western Hemisphere countries with quotas in effect in accordance with section 204(a) of the Act; and (3) assigning 238,334 tons to foreign countries on a first-come, first-served basis pursuant to paragraph (d) (2) of § 811.33 as set forth in Amendment 2 of this part.

3. Section 811.33 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.33 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1974, the quota for the Republic of the Philippines is 1,599,081 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 399,781 short tons established pursuant to section 204(a) of the Act and

73,280 short tons established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1974, the proratons to individual foreign coun-

tries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit proratons previously established in this Sugar Regulation 811 are shown in column (3). New deficits and deficit proratons established herein are shown in column (4) and total quotas and proratons are shown in column (5).

Countries	Basic quotas	Temporary quotas and proratons pursuant to Sec. 202(d) ¹	Previous deficit proratons	New deficits and deficit proratons	Total quotas and proratons
	(1)	(2)	(3)	(4)	(5)
(Short tons, raw value)					
Dominican Republic.....	427,345	184,308	174,977	24,935	811,560
Mexico.....	377,983	162,994	154,745	22,052	717,774
Brazil.....	368,585	158,960	150,918	21,506	699,969
Peru.....	254,228	87,224	107,994	15,389	464,835
West Indies.....	4,505	1,546	56,321	8,026	70,398
Ecuador.....	54,420	23,469	22,282	3,176	103,347
Argentina.....	51,081	22,030	20,915	2,981	97,007
Costa Rica.....	46,073	19,871	18,865	2,688	87,497
Colombia.....	45,405	19,883	18,591	2,650	86,229
Panama.....	43,068	18,574	17,634	2,513	81,789
Nicaragua.....	43,068	18,574	17,634	2,513	81,789
Venezuela.....	34,700	11,936	16,814	-63,540	0
Guatemala.....	39,396	16,990	16,131	2,298	74,815
El Salvador.....	28,712	12,883	11,756	1,676	54,627
Belize (British Honduras).....	22,703	9,791	9,296	1,324	43,114
Haiti.....	20,699	8,928	8,475	1,206	39,310
Honduras.....	8,013	3,454	3,281	468	15,216
Bolivia.....	4,340	1,872	1,777	253	8,242
Paraguay.....	4,340	1,672	1,777	253	8,242
Australia.....	167,599	46,071	.....	.....	213,670
Republic of China.....	69,777	19,182	.....	.....	88,959
India.....	67,106	18,447	.....	.....	85,553
South Africa.....	47,408	13,032	.....	.....	60,440
Fiji Islands.....	36,725	10,096	.....	.....	46,821
Mauritius.....	24,706	6,792	.....	.....	31,498
Swaziland.....	24,706	6,792	.....	.....	31,498
Thailand.....	15,358	4,221	.....	.....	19,579
Malawi.....	12,353	3,395	.....	.....	15,748
Malagasy Republic.....	10,016	2,753	.....	.....	12,769
Ireland.....	1,107	.....	.....	.....	1,107
Amendment 2 quotas ²	131,572	43,428	238,334	.....	413,334
Total.....	2,487,137	958,563	1,068,517	52,369	4,566,586

¹ Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, Uganda, West Indies, Peru, Venezuela, and Ireland.

² Quota made available to foreign countries on a first-come, first-served basis pursuant to section 202(d) (2) of the Act and in Sugar Regulation 811, Amendment 2 (39 FR 3945). Quantities shown in columns (1), (2), and (3) represent the amounts that would have been prorated to the Philippines and countries with quotas in the respective columns had proration been made in the usual manner under section 202 (b), (c), and (d) (1) of the Act.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and (7 U.S.C. 1111, 1112, 1114, and 1153).)

Effective date. This action determines deficits in the Puerto Rican, the Texas Cane Area, and Venezuela quotas of 55,000, 40,000, and 63,540 tons, respectively, and prorates and allocates such deficit to the Republic of the Philippines and Western Hemisphere quota countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C. on March 25, 1974.

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

[FR Doc. 74-7258 Filed 3-26-74; 11:26 am]

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

[Lemon Reg. 632]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Mar. 31-April 6, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total

available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.932 Lemon Regulation 632.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(1) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier so far this week because of unseasonal weather and the trade is clearing up stocks of fruit on hand. Average f.o.b. price was \$5.94 per carton the week ended March 23, 1974 compared to \$5.92 per carton the previous week. Track and rolling supplies at 152 cars were up 22 cars from last week.

(1) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and

views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 31, 1974, through April 6, 1974, is hereby fixed at 240,000 cartons.

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

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

Dated: March 27, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[FR Doc. 74-7416 Filed 3-28-74; 8:45 am]

**CHAPTER X—AGRICULTURAL MARKET-
ING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE**

[Milk Order Nos. 32, 50, 62]

MILK IN THE SOUTHERN ILLINOIS, CENTRAL ILLINOIS AND ST. LOUIS-OZARKS MARKETING AREAS

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Southern Illinois, Central Illinois and St. Louis-Ozarks marketing areas.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9387) concerning a proposed suspension of certain provisions of the orders. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through December 1974, the following provisions of the orders do not tend to effectuate the declared policy of the Act:

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraphs (g) through (k) in their entirety.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

2. In § 1050.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraphs (g) through (k) in their entirety.

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

3. In § 1062.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraph (g) through (k) in their entirety.

STATEMENT OF CONSIDERATION

The suspension will make inoperative those provisions of Order Nos. 32, 50 and 62 that provide for the accumulation and disbursement of money due producers with the intent of encouraging seasonal adjustments in milk production. Under such provisions (the "takeout-payback" plan), money withheld from the pool during March through July (15 cents per hundredweight during March and July, and 25 cents per hundredweight during April, May, and June) is paid out to producers for deliveries of milk during September through December (20 percent in September and December and 30 percent in October and November).

Suspension in the Southern Illinois and St. Louis-Ozarks orders was requested by Mid-America Dairymen, Inc., and in the Southern Illinois and Central Illinois orders by Associated Milk Producers, Inc., Mississippi Valley Milk Producers and Prairie Farms Dairy, Inc.

In response to the invitation for written data, views, or arguments the National Farmers' Organization also requested that the respective provisions be suspended from the three orders for 1974. Also, a proprietary handler who obtains a substantial part of his milk from supply plants in Wisconsin supported petitioners' request as a means of preventing disorderly marketing conditions in the coming months.

The basis for the request by the petitioners is to provide the highest possible blend price to producers during the months of March through July 1974 to offset anticipated higher production costs. Also, blend prices zoned to the production areas of the respective orders could result in prices that are below competitive pay prices with other Federal order markets and with manufacturing plants competing for milk supplies. Without this suspension action the milk supply for the respective orders could be placed in jeopardy.

For the foregoing reasons, petitioners, who represent a substantial majority of

producers supplying the respective markets, request that the seasonal payment plan be suspended for this year in the Southern Illinois, Central Illinois and St. Louis-Ozarks markets. No opposition to the request was filed in response to the invitation for written data, views, or arguments. Accordingly, it is concluded that the specified provisions of the respective orders should be suspended for the months of March through December 1974.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas in that it is the only practical means of rendering the provisions inoperative for the period designated;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective for the months of March through December 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through December 1974 effective.

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

Effective date: March 29, 1974.

Signed at Washington, D.C., on March 26, 1974.

CLAYTON YEUTER,
Assistant Secretary.

[FR Doc. 74-7265 Filed 3-28-74; 8:45 am]

[Docket No. AO-184-A34; Milk Order 98]

**PART 1098—MILK IN THE NASHVILLE,
TENNESSEE, MARKETING AREA**

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part

900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area.

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

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1974. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 15, 1974, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 18, 1974. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1974, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who

during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1098.7 is revised as follows:

§ 1098.7 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant or diverted pursuant to § 1098.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to a utilization other than Class I pursuant to § 1098.46(a) (4) (i) and the corresponding step of § 1098.46(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

2. In § 1098.9, paragraph (a) is revised as follows:

§ 1098.9 Producer-handler.

(a) Produces milk and operates a distributing plant;

3. Section 1098.10 "Approved plant" is revoked and new §§ 1098.10 and 1098.10a are added as follows:

§ 1098.10 Distributing plant.

"Distributing plant" means a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1098.10a Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

4. Section 1098.11 is revised as follows:

§ 1098.11 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant that has route disposition, except filled milk, during

the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted regulatory agency for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(c) A plant that is approved by a duly constituted regulatory agency to handle milk for fluid consumption in the marketing area that is operated by a cooperative association, for which pool plant status has been requested by the cooperative association, and from which during the month the quantity of fluid milk products (except filled milk) shipped to pool plants qualified pursuant to paragraph (a) of this section plus the milk physically received at such plants by direct delivery from the farms of producer members of the cooperative association is not less than two-thirds of the producer milk received at or diverted from pool plants of the cooperative association plus its members' producer milk received at or diverted from all other pool plants during the same month. If the cooperative association operating a plant qualified as a pool plant pursuant to this paragraph files with the market administrator prior to the first day of any month a written request for nonpool status for such month, the plant shall be a nonpool plant for such month and for each of the next 11 months in which it does not qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

- (1) A producer-handler plant;
- (2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as route disposition in the marketing area regulated by the other order than as route disposition in the Nashville, Tenn., marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order, subject to the proviso of this paragraph: *And provided further*, On the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Nashville, Tenn., marketing area as route disposition than as route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation, even though such plant has greater route disposition in the marketing area of the Nashville, Tenn., order; and

(4) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to paragraph (b) of this section during the preceding August through January period.

5. In § 1098.13, paragraph (c) is revoked and paragraph (b) is revised as follows:

§ 1098.13 Producer milk.

(b) Diverted from a pool plant to a non-pool plant that is not a producer-handler plant. Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant.

6. In § 1098.18 the title "Route" is changed to "Route disposition" and § 1098.18 is revised as follows:

§ 1098.18 Route disposition.

"Route disposition" means any delivery (including delivery by a vendor or a

sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant.

§ 1098.53 [Amended]

7. In § 1098.53, the word "pool" as it appears in paragraph (a) thereof is deleted.

8. In § 1098.81, a new paragraph (c) is added to read as follows:

§ 1098.81 Payments to market administrator.

(c) On or before the 25th day after the end of the month each handler who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (c) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the lowest price class) and the lowest price class.

9. In § 1098.83, paragraph (b) is revised as follows:

§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.

(b) In making payments to producers pursuant to § 1098.82(b), the uniform price pursuant to § 1098.71 and the uniform base price pursuant to § 1098.72 for producer milk received at a plant shall be reduced according to the location of the plant, each at the rates set forth in § 1098.53; and

10. In § 1098.85, paragraph (c) is revised as follows:

§ 1098.85 Expense of administration.

(c) Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1098.91 [Deleted]

11. Section 1098.91 is deleted.

12. In § 1098.92, paragraph (b) (1) and (3) is revised as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

- (b)
- (1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;
- (2)
- (3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

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

Effective date: April 1, 1974.

Signed at Washington, D.C., on March 26, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7264 Filed 3-28-74;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Castro County in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73 as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (a) relating to the State of Texas is added to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Castro County comprised of sections 1 through 4, Block 0-7, Abstract No. 999 through 1002 (G. W. Irwin Survey).

(Sec. 4-7, 23 Stat. 32 as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3, 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on March 26, 1974.

The amendment imposes certain further restrictions necessary to prevent the

interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.74-7267 Filed 3-28-74;8:45 am]

PART 73—SCABIES IN CATTLE

Release of Area Quarantined

This amendment releases a portion of Logan County in Colorado from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area. No areas in Colorado remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (e) relating to the State of Colorado is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3, 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective on March 26, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 26th day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.74-7269 Filed 3-28-74;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

This amendment deletes the following area from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that this area no longer comes within the definition of § 78.1(i): Creek County in Oklahoma.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified date: Pittsburg and Pottawatomie Counties in Oklahoma on March 4, 1974. Since said date, it has been determined that these counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Oklahoma.

(b) The following State is hereby designated as a Modified Certified Brucellosis Area except for the counties named: Oklahoma except Creek and Muskogee Counties.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16).

Effective date. The foregoing amendment shall become effective March 29, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. 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 of 5 U.S.C., it is found upon good cause that notice and other public procedure with respect to

the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.74-7268 Filed 3-28-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SW-11]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Pine Bluff, Ark., control zone.

A new airport traffic control tower was commissioned on March 15, 1974, at Grider Field, Pine Bluff, Ark., and will operate from 0700-2000 local time daily. Concurrently, the Pine Bluff Flight Service Station will be part time from 0600-1800 local time daily. Weather observations will be taken either by the airport traffic control tower personnel or the flight service station personnel during the hours 0600-2000 local time daily. This will require an alteration of the Pine Bluff, Ark., control zone to part time effective 0600-2000 local time daily.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on March 29, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Pine Bluff, Ark., control zone is amended to read:

PINE BLUFF, ARK.

That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N, longitude 91°55'55" W.) and within 2 miles each side of the Pine Bluff VORTAC 186° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Fort Worth, Tex., on March 19, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-7236 Filed 3-28-74;8:45 am]

[Docket No. 13580; Amdt. 909]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., VOR Rwy 35, Orig.
Grand Rapids, Mich.—Kent County Arpt., VOR Rwy 18, Amdt. 2.
Grand Rapids, Mich.—Kent County Arpt., VOR Rwy 36, Amdt. 6.
Oakdale, Calif.—Oakdale Arpt., VOR Rwy 10, Orig.

* * * effective April 11, 1974:

Pocahontas, Iowa—Pocahontas Municipal Arpt., VORTAC Rwy 29, Orig.

* * * effective March 20, 1974:

Eureka, Calif.—Murray Field, VOR-A, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., LOC (BC) Rwy 17, Orig.
Grand Rapids, Mich.—Kent County Arpt., LOC (BC) Rwy 8R, Amdt. 8.
Sioux City, Iowa—Sioux City Municipal Arpt., LOC (BC) Rwy 13, Amdt. 13.

* * * effective April 4, 1974:

Lewisburg, W. Va.—Greenbrier Valley Arpt., LOC Rwy 4, Amdt. 1, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., NDB Rwy 17, Orig.
Grand Rapids, Mich.—Kent County Arpt., NDB Rwy 26L, Amdt. 7.
Sioux City, Iowa—Sioux City Municipal, NDB Rwy 13, Amdt. 9.
Sioux City, Iowa—Sioux City Municipal, NDB Rwy 31, Amdt. 17.

* * * effective April 11, 1974:

Pocahontas, Iowa—Pocahontas Municipal Arpt., NDB Rwy 11, Orig.

* * * effective April 4, 1974:

Ashland, Ohio—Ashland County Arpt., NDB Rwy 18, Orig.
Calhoun, Ga.—Tona B. David Field, NDB Rwy 35, Orig.

* * * effective March 28, 1974:

Nome, Alaska—Nome Arpt., NDB Rwy 27, Amdt. 1.

* * * effective March 19, 1974:

Houghton Lake, Mich.—Roscommon County Arpt., NDB Rwy 27, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., ILS Rwy 35, Orig.
Grand Rapids, Mich.—Kent County Arpt., ILS Rwy 26L, Amdt. 8.
Sioux City, Iowa—Sioux City Municipal Arpt., ILS Rwy 31, Amdt. 17.

* * * effective April 4, 1974:

Lewisburg, W. Va.—Greenbrier Valley Arpt., ILS Rwy 4, Orig.

* * * effective March 20, 1974:

Louisville, Ky.—Standiford Field, ILS Rwy 1, Amdt. 1.

* * * effective March 19, 1974:

Atlantic City, N.J.—NAFEC, Atlantic City Arpt., ILS Rwy 31, Amdt. 1.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective May 9, 1974:

Sioux City, Iowa—Sioux City Municipal Arpt., RADAR-1, Orig.

Correction:

In Docket Nr. 13573, Amendment 908, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER under § 97.27, effective May 2,

1974—change effective date of Phoenix, Ariz.—Phoenix Sky Harbor Int'l. Arpt., NDB-A, Amdt. 1, Cancellation, to April 25, 1974.

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

Issued in Washington, D.C., on March 21, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc. 74-7239 Filed 3-28-74; 8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-840; Amdt. 11]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Fuel Consumption and Inventories; Reporting Requirements

Pursuant to Chairman Timm's letter of January 17, 1974, all route and supplemental air carriers have been reporting on an interim basis, fuel cost data on a form titled "CAB Form T-90, Fuel Consumption and Inventories." The letter also advised carriers to continue to file this report on a monthly basis, pending its inclusion as a schedule to the Form 41 reports of Part 241 of the Board's Economic Regulations. The reports received thus far, as well as the results of a survey conducted by the Air Transport Association of its 22 member carriers, have disclosed no substantial disagreement with the Board's need for the data nor any reason to believe that the imposition of this reporting requirement constitutes an undue burden on the carriers affected thereby.

The Board finds that it has an urgent regulatory need, so long as the present fuel situation remains basically unchanged, to have this data furnished by the carriers on a regular monthly basis. The Board therefore finds that, in view of the unquestioned need for the data to be furnished pursuant to this regulation and the demonstrated ability of the affected carriers to comply with this requirement, notice and public procedure hereon are unnecessary and would be contrary to the public interest. Accordingly, the Board has adopted the within amendment to Part 241.

The final rule incorporates substantially the same reporting requirements and instructions as were set forth in the interim reporting Form T-90. However, in light of certain questions and comments which have been raised with respect thereto, we have slightly revised the form and clarified the instructions for its completion, as more fully discussed hereinbelow.

To the extent that any of the within revisions, however minor, is regarded by an affected carrier as imposing an un-

necessary reporting burden, we shall allow petitions for reconsideration with respect to such revisions. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before April 8, 1974. Copies of any petition filed will be available for inspection in the Docket Section. The filing of petitions shall not operate to stay the effective date of the within rules.

1. *Domestic and international operations.* All route and supplemental air carriers will continue to report on the new Form 41 Schedule P-5(b) (formerly designated as T-90) for fuel issued and acquired domestically for scheduled and nonscheduled operations. Such fuel as is consumed in "domestic" operations, as defined herein, is to be reported in columns (8) and (9), "Consumed By Carrier In Domestic Operations," indicating in the appropriate section of the report whether it came from the "Carrier's Storage Facilities" or was "Delivered Directly to the Aircraft by Others," as the case may be. In addition, we are adopting the suggestion of some carriers that, in order to conform to book inventories and thus make this report self-balancing, fuel drawn from domestic inventories for consumption in international operations should also be reported; this information is accordingly to be reported in columns (6) and (7), "Sold to Others and Consumed by Carrier in International Operations." However, since the purpose of requiring information with respect to international operations is to facilitate balancing the carrier's inventory reports, this information is to be reported only with respect to fuel issued from "Carrier's Storage Facilities."

For the purposes of this rule, "domestic" operations are those flight stages with both terminals within the 50 States of the United States and the District of Columbia, just as the term is presently defined in section 03 of the Board's Economic Regulations. However, flight stages to and from Canada and Mexico, which are presently reported as domestic operations in the Form 41 reports, will be considered as international operations² for the purposes of this schedule.

It should also be noted that, although all bonded fuel will continue to be reported in Account 45.1, Aircraft Fuels, for the purposes of report Schedule P-5(b),³ bonded fuels will be reported only to the extent that other fuel is reported.

The following examples illustrate the reporting of "domestic" and "international" operations:

¹ In order to facilitate analysis of the data reported under this heading, we are requiring annotation of that portion of fuel volume and cost which is attributable to international operations.

² For purposes of this regulation, international operations shall include "territorial operations," i.e., flight stages with both terminals within territory under U.S. jurisdiction where at least one of the terminals is not within a State or the District of Columbia.

³ Filed as part of original document.

EXAMPLE I

A carrier issues fuel from its "Carrier's Storage Facilities" for a flight to be operated Seattle/San Francisco/Mexico City and return to Seattle via San Francisco. The carrier would report on Schedule P-5(b), in the section for "Carrier's Storage Facilities":

1. The cost of all fuel loaded at Seattle with the next terminal to be San Francisco should be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

2. The cost of all fuel loaded at San Francisco with the next terminal to be Seattle should also be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

3. The cost of all fuel loaded at San Francisco with the next terminal to be Mexico City should be reported in columns (6) and (7), "Sold to Others and Consumed in International Operations," and the gallonage and costs so reported should be properly footnoted.

NOTE: Any fuel loaded in Mexico City is not from domestic storage facilities and information relating thereto is therefore excluded from this schedule.

EXAMPLE II

A carrier purchases fuel which is "Delivered Directly to Aircraft by Others" and operates the same flight sequence as set forth in Example I. The carrier would report on Schedule P-5(b), in the section for "Delivered Directly to Aircraft by Others":

1. The cost of all fuel loaded at Seattle with the next terminal to be San Francisco should be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

2. The cost of all fuel loaded in San Francisco with the next terminal to be Seattle should also be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

NOTE: Fuel purchased in San Francisco with the next terminal to be Mexico City would not be purchased for a "domestic" operation and would therefore not be reported.

2. *Miscellaneous clarifications.* Clarification has been requested as to which of various factors should be included or excluded in calculating the cost of fuel on Schedule P-5(b). Although shrinkage should be included in determining the cost of fuel, the following factors should be excluded from the cost of fuel:

a. "Through-put" and "in to plane" service fees,⁴ and

b. Nonrefundable Federal and State excise taxes. Under the Uniform System of Accounts and Reports, "through-put" and "in to plane" service fees should be reflected in "Account 43.9, Other Services—Outside," and nonrefundable Federal and State excise taxes reflected in

⁴ Service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form.

⁵ Commonly referred to as purchases.

"Account 69, Taxes—Other than Payroll."

Clarification has also been requested as to the method used to determine cost data reported on Schedule P-5(b). The fuel costs reporter in the section for "Delivered Directly to Aircraft by Others" should be stated in terms of total actual dollars. In the section for "Carrier's Storage Facilities," the total fuel costs

are to be reported and calculated on the periodic average method. In applying this method, the total cost of Beginning Inventory, Column (3), plus Receipts,² column (5), is weighted by the total respective gallons, columns (2) and (4). The resulting quotient should then be applied to extend the gallons issued and in ending inventory. The following will illustrate the method:

	January			February		
	Gallons	Unit cost ¹	Cost	Gallons	Unit cost ¹	Cost
Beginning inventory.....	525,000		\$145,000	420,000		\$117,600
Receipts.....	1,750,000		492,000	1,740,000		519,600
Total.....	\$ 2,275,000		\$ 637,000	\$ 2,160,000		\$ 637,200
Issues:						
Sold to others and consumed by carrier in international operations.....	25,000	\$0.28	7,000	6,000	\$0.295	1,770
Consumed by carrier in domestic operations.....	1,830,000	.28	512,400	1,785,000	.295	526,575
Total Issues.....	1,855,000		519,400	1,791,000		528,345
Ending inventory.....	420,000	.28	117,600	369,000	.295	108,855

¹ Shown merely for illustrative purposes.

² See the following equation:

$$\frac{\$637,000}{2,275,000 \text{ gal}} = \$0.28 \text{ per gallon}$$

³ See the following equation:

$$\frac{\$637,200}{2,160,000 \text{ gal}} = \$0.295 \text{ per gallon}$$

3. *Technical revisions.* Certain carriers suggested that the Board give consideration to permit grouping station data under a specified amount rather than to require that each station be reported irrespective of quantity or cost. The Board believes this suggestion has merit and accordingly the form and instructions have been revised herein to permit grouping as "Miscellaneous" all stations where less than 5,000 gallons of fuel per month are issued in total, so long as the number of stations so grouped is indicated.

Also, where space on Schedule P-5(b) is not adequate to list all stations, copies of this schedule may be attached, so long as all stations reporting "Carrier's Storage Facilities" data and all stations reporting "Delivered Directly to Aircraft by Others" data are clearly identified in the attached copies.

Other carriers have suggested that a longer reporting deadline be granted, since the current reporting deadline of 10 days is inadequate in light of the coordination problem inherent when numerous stations are reporting data. The Board believes that this suggestion has merit and accordingly we are allowing

Schedule P-5(b) to be filed 15 days after the close of the month.

Finally, the Cost of Living Council has recently advised the Board that it needs the data to be reported on Schedule P-5(b) and that the data would be even more useful if broken down by fuel type. While the Board believes that this data would facilitate its own analysis and evaluation, we recognize that most carriers use the basic Jet A fuel. Accordingly, we have changed the reporting instructions only to provide that, where the amounts reported for a station include other than Jet A fuel, a footnote should be added to Schedule P-5(b) indicating the number of gallons and applicable costs of such other fuel included in the amounts reported for that station.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of its Economic Regulations (14 CFR Part 241) effective May 1, 1974 as follows:

1. Amend Section 22—General Reporting Instructions, as follows:

Section 22—[Amended]

A. By adding new Schedule P-5(b) in the list in paragraph (a), titled "List of Schedules in CAB Form 41" as follows:

List of schedules in CAB Form 41 report

Schedule No.	Schedule title	Filing frequency
P-5(a).....	Components of flight equipment depreciation.....	Quarterly.
P-5(b).....	Fuel consumption and inventories.....	Monthly.
P-6.....	Maintenance, passenger service, and general service and administrative expense functions—all carrier groups.	Quarterly.

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B. By adding new Schedule P-5(b) to the list in paragraph (a) titled "Due Dates of Schedules in CAB Form 41 Report," as follows:

Due dates of schedules in CAB Form 41 report

<i>Due date¹</i>	<i>Schedule No.</i>
Jan. 15-----	P-5(b).
Jan. 30-----	B-1, P-1(a), T-1, T-2, T-3, T-7, T-41.
Feb. 10 ² -----	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
Feb. 15-----	P-5(b).
Mar. 1-----	B-1, P-1(a), T-1, T-7.
Mar. 15-----	P-5(b).
Mar. 30-----	B-1, B-9, B-41, B-42, B-43, B-44, B-46, P-1(a), P-41, G-41, G-42, G-43, G-44, T-1, T-7.
Apr. 15-----	P-5(b).
Apr. 30-----	B-1, P-1(a), T-1, T-2, T-3, T-7.
May 10-----	A, B-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
May 15-----	P-5(b).
May 30-----	B-1, P-1(a), T-1, T-7.
June 15-----	P-5(b).
June 30-----	B-1, P-1(a), T-1, T-7.
July 15-----	P-5(b).
July 30-----	B-1, P-1(a), T-1, T-2, T-3, T-7.
Aug. 10-----	A, A-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
Aug. 15-----	P-5(b).
Aug. 30-----	B-1, P-1(a), T-1, T-7.
Sept. 15-----	P-5(b).
Sept. 30-----	B-1, P-1(a), T-1, T-2, T-3, T-7.
Oct. 15-----	P-5(b).
Oct. 30-----	B-1, P-1(a), T-1, T-7, T-41.
Nov. 10-----	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
Nov. 15-----	P-5(b).
Nov. 30-----	B-1, P-1(a), T-1, T-7.
Dec. 15-----	P-5(b).
Dec. 30-----	B-1, P-1(a), T-1, T-7.

¹ Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

² B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

2. Amend Section 24—Profit and Loss Elements, as follows:

Section 24—[Amended]

A. By inserting, following the reporting instructions for Schedule P-5(a) and preceding the reporting instructions for Schedule P-6, reporting instructions for Schedule P-5(b), to read as follows:

SCHEDULE P-5(b)—

FUEL CONSUMPTION AND INVENTORIES

(a) This schedule shall be filed monthly by all route air carriers.

(b) A single copy (original only) of this schedule shall be filed for the fuel issued and acquired from domestic sources for scheduled and nonscheduled operations conducted by the air carrier.

(c) For the purpose of this schedule, fuel drawn for domestic operations is that fuel drawn for use between certificated flight stages with both terminals within the 50 States of the United States and the District of Columbia. The cost of fuel drawn within the United States and the District of Columbia for a flight stage outside of the United States and the District of Columbia is: (1) If drawn from "Carrier's Storage Facilities," included in columns (6) and (7), "Sold to Others and Consumed by Carrier in International Operations," footnoted as to that

portion so reported therein, and (2) excluded from Schedule P-5(b) if it is "Delivered Directly to Aircraft by Others."

(d) The indicated data shall be grouped in alphabetical sequence by station as to: (1) Fuel issued from "Carrier's Storage Facilities," as reported in columns (2) through (11), and (2) fuel "Delivered Directly to Aircraft by Others," as reported in columns (8) and (9) only. Where the amounts reported for a station include other than Jet A fuel, a footnote should be added to this schedule indicating the number of gallons and applicable costs included in the amounts reported for that station. However, for stations where less than 5,000 gallons of fuel per month are issued in total, the aggregate fuel information for all such stations may be reported as "Miscellaneous," denoting the number of stations so reported.

(e) The cost of fuel shall include shrinkage, but shall exclude (1) "through-put" and "in to plane" fees, i.e., service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form, and (2) nonrefundable Federal and State excise taxes.

(f) All costs reported under the caption "Carrier's Storage Facilities," ex-

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cept those actual costs which are to be reported in column (5), "Receipts," shall be computed on the periodic average method. Under this method, the average is computed by dividing the total cost of the Beginning Inventory plus Receipts during the period by the total number of units in these groups. The resulting quotient shall then be applied to extend the units issued and in ending inventory.

(g) Actual costs shall be used to report the cost of fuel under "Delivered Directly to Aircraft by Others."

(h) The beginning inventory of each schedule shall be the ending inventory of the prior period schedule. Differences shall be properly annotated and reconciled.

3. Amend Section 32—General Reporting Instructions, as follows:

Section 32 [Amended]

A. By adding new Schedule P-5(b) in the list in paragraph (a), titled "List of Schedules in CAB Form 41," as follows:

List of schedules in CAB Form 41 report

Schedule No.	Schedule title	Filing frequency
P-5(a)	Components of flight equipment depreciation	Quarterly
P-5(b)	Fuel consumption and inventories	Monthly
P-6	Maintenance, passenger service, and general service and administrative expense functions—all carrier groups.	Quarterly

B. By adding new Schedule P-5(b) to the list in paragraph (a) titled "Due Dates of Schedules in CAB Form 41 Report," as follows:

Due dates of schedules in CAB Form 41 report

Due date ¹	Schedule No.
Jan. 15	P-5(b)
Jan. 30	B-11, T-3.1
Feb. 10 ²	A, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
Feb. 15	P-5(b)
Mar. 1	B-11, T-3.1
Mar. 15	P-5(b)
Mar. 30	B-11, B-41, B-43, B-44, B-46, G-41, G-42, G-43, G-44, T-3.1
Apr. 15	P-5(b)
Apr. 30	B-11, T-3.1
May 10	A, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
May 15	P-5(b)
May 30	B-11, T-3.1
June 15	P-5(b)
June 30	B-11, T-3.1
July 15	P-5(b)
July 30	B-11, T-3.1
Aug. 10	A, A-1, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
Aug. 15	P-5(b)
Aug. 30	B-11, T-3.1
Sept. 15	P-5(b)
Sept. 30	B-11, T-3.1
Oct. 15	P-5(b)
Oct. 30	B-11, T-3.1
Nov. 10	A, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
Nov. 15	P-5(b)
Nov. 30	B-11, T-3.1
Dec. 15	P-5(b)
Dec. 30	B-11, T-3.1

¹ Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

² B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

4. Amend Section 34—Profit and Loss Elements, as follows:

Section 34—[Amended]

A. By inserting, following the reporting instructions for Schedule P-5(a) and preceding the reporting instructions for Schedule P-6, reporting instructions for Schedule P-5(b), to read as follows:

SCHEDULE P-5(b)—FUEL CONSUMPTION AND INVENTORIES

(a) This schedule shall be filed monthly by all supplemental air carriers.

(b) A single copy (original only) of this schedule shall be filed for the fuel issued and acquired from domestic sources for scheduled and nonscheduled

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operations conducted by the air carrier.

(c) For the purposes of this schedule, fuel drawn for domestic operations is that fuel drawn for use between certificated flight stages with both terminals within the 50 States of the United States and the District of Columbia. The cost of fuel drawn within the United States and the District of Columbia for a flight stage outside of the United States and the District of Columbia is: (1) If drawn from "Carrier's Storage Facilities," included in columns (6) and (7), "Sold to Others and Consumed by Carrier in International Operations," footnoted as to that portion so reported therein, and (2) excluded from Schedule P-5(b) if it is "Delivered Directly to Aircraft by Others."

(d) The indicated data shall be grouped in alphabetical sequence by station as to (1) fuel issued from "Carrier's Storage Facilities," as reported in columns (2) through (11) and (2) Fuel "Delivered Directly to Aircraft by Others," reported in columns (8) and (9) only. Where the amounts reported for a station include other than Jet A fuel, a footnote should be added to this schedule indicating the number of gallons and applicable costs included in the amounts reported for that station. However, for stations where less than 5,000 gallons of fuel per month are issued in total, the aggregate fuel information for all such stations may be reported as "Miscellaneous," denoting the number of stations so reported.

(e) The cost of fuel shall include shrinkage, but shall exclude (1) "through-put" and "in to plane" fees, i.e., service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form and (2) nonrefundable Federal and State excise taxes.

(f) All costs reported under the caption "Carrier's Storage Facilities," except those actual costs which are to be reported in column (5), "Receipts," shall be computed on the periodic average method. Under this method, the average is computed by dividing the total cost of the Beginning Inventory plus Receipts during the period by the total number of units in these groups. The resulting quotient shall then be applied to extend the units issued and in ending inventory.

(g) Actual costs shall be used to report the cost of fuel under "Delivered Directly to Aircraft by Others."

(h) The beginning inventory of each schedule shall be the ending inventory of the prior-period schedule. Differences shall be properly annotated and reconciled.

5. Amend CAB Form 41 by adding new Schedule P-5(b) as shown in Exhibit A below to the rule and made a part thereof.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (49 U.S.C. 1324, 1377))

Effective: May 1, 1974.

Adopted: March 14, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: The reporting requirements herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

[FR Doc. 74-7209 Filed 3-28-74; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

SUBCHAPTER C—DRUGS

SUBCHAPTER F—BIOLOGICS

RECODIFICATION EDITORIAL AMENDMENTS

The Commissioner of Food and Drugs, for the purpose of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

The fifth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration appears elsewhere in this issue of the FEDERAL REGISTER. The regulations formerly under Parts 130, 131, 164, 165, and 167 of Subchapter C—Drugs, have been reorganized into Parts 310, 312, 314, 328, 329, 330, 369, and 429 of new Subchapter D—Drugs for Human Use, in an effort to provide greater clarity and adequate space for the development of future regulations.

These recodified regulations are referenced in Parts 1, 2, 3, 8, 132, 135, 144, 146, and 601 of this chapter.

Regulations pertaining to veterinary drugs have been left in Part 131.

To provide uniformity and continuity during the recodification the Commissioner concludes that the references to the recodified material should be revised at this time, and the title of Part 131 be revised to reflect its new composition. Therefore, Parts 1, 2, 3, 8, 131, 132, 135, 144, 146, and 601 of Chapter I of Title 21 of the Code of Federal Regulations are amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.102 [Amended]

1. In § 1.102(b) by changing the reference "§ 164.7" to read "§ 429.12."

§ 1.106 [Amended]

2. In § 1.106:

a. In paragraph (j), by changing the reference "§ 167.1(a)" to read "§ 328.3(a)"; and by changing the reference "Part 167" to read "Part 328."

b. In paragraph (l)(2) by changing the reference "§ 130.3" to read "§ 312.1."

§ 1.115 [Amended]

3. In § 1.115(b)(2) by changing the reference "Part 164" to read "Part 429."

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

§ 2.65 [Amended]

4. In § 2.65(a) by changing the parenthetical reference "(21 CFR Parts 164 and 8, respectively)" to read "(21 CFR Parts 429 and 8, respectively)."

§ 2.121 [Amended]

5. In § 2.121:

a. In paragraph (u) (1) and (2) by changing the reference "§ 130.3" to read "§ 312.1"; and by changing the reference "§ 130.3a" to read "§ 312.9."

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.15 [Amended]

6. In § 3.15(a)(2) by changing the reference "§ 130.4(c)" to read "§ 314.1(c)."

§ 3.29 [Amended]

7. In § 3.29(c)(3) by changing the reference "§ 130.4(c)" to read "§ 314.1(c)."

§ 3.36 [Amended]

8. In § 3.36(d) by changing the reference "§ 130.4(c)" to read "§ 314.1(c)."

§ 3.48 [Amended]

9. In § 3.48(c) by changing the reference "§ 130.3" to read "§ 312.1."

§ 3.52 [Amended]

10. In § 3.52:

a. By changing the reference "§ 130.3" in the introductory text of paragraph (c) to read "§ 312.1."

b. In paragraph (d)(1) by changing the reference "§ 130.3a(a)" to read "§ 312.9(a)."

§ 3.53 [Amended]

11. In § 3.53(c) by changing the reference "§ 130.3" to read "§ 312.1."

§ 3.67 [Amended]

12. In § 3.67(d)(2) by changing the reference "§ 130.4(c)(2)" to read "§ 314.1(c)(2)."

§ 3.77 [Amended]

13. In § 3.77(b), by changing the phrase "Bureau of Narcotics and Dangerous Drugs" to read "Drug Enforcement Administration, Department of Justice" each time it appears; and by changing the reference "§ 130.44" to read "§ 310.505."

§ 3.81 [Amended]

14. In § 3.81(d) by changing the reference "§ 130.9 (d) and (e)" to read "§ 314.8(d) and (e)."

§ 3.90 [Amended]

15. In § 3.90(d) by changing the reference "§ 130.9(d)" to read "§ 314.8(d)."

§ 3.91 [Amended]

16. In § 3.91:
a. In paragraph (c) (4) (ii) by changing the reference "§ 130.9(d)" to read "§ 314.8(d)."
b. In paragraph (c) (4) (v) by changing the reference "§ 130.4" to read "§ 314.1" each time it appears.

PART 8—COLOR ADDITIVES

§ 8.28 [Amended]

17. In § 8.28(b) by changing in the last sentence the reference "§§ 130.14-130.26 of this chapter" to read "§§ 314.200 through 314.232 of this chapter."

PART 131—INTERPRETIVE STATEMENTS RE WARNINGS ON VETERINARY DRUGS FOR OVER-THE-COUNTER SALE

18. The heading for Part 131 is revised to read as set forth above.

PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

§ 132.1 [Amended]

19. In § 132.1(d) by changing the reference "§ 130.3" to read "§ 312.1."

§ 132.1 [Amended]

20. In § 132.31(b) by changing the reference "§ 130.3" to read "§ 312.1 of this chapter."

PART 135—NEW ANIMAL DRUGS

§ 135.1 [Amended]

21. In § 135.1(1) by changing the reference "§ 130.38" to read "§ 310.9."

§ 135.37 [Amended]

22. In the introductory text of § 135.37 by changing the reference "§ 130.38" to read "§ 310.9."

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

§ 144.8 [Amended]

23. In § 144.8 by changing the reference "§ 130.3," each time it appears, to read "§ 312.1."

§ 144.26 [Amended]

24. In § 144.26(b) (18) (i), (22) (i), (32) (i), (35), (39), (42), (44), (45), (49), (50), (54), (56), (59), (60), (61), (62), and (63), by changing the reference "§ 130.4(c) (3)" to read "§ 314.1(c) (3)"; and by changing the reference "§ 130.9" to read "§ 314.8."

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETIVE REGULATIONS

§ 146.1 [Amended]

25. In § 146.1(g) (2) by changing the reference "§ 130.12(a) (5)" to read "§ 314.111(a) (5)."

PART 601—LICENSING

§ 601.25 [Amended]

26. In § 601.25(d) (2) by changing the reference "§ 130.12(a) (5) (ii)" to read "§ 314.111(a) (5) (ii)."

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: March 27, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 74-7384 Filed 3-28-74; 8:45 am]

Chapter II—Drug Enforcement Administration; Department of Justice

Part 1301—Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances

Part 1308—Schedules of Controlled Substances

Etorphine Hydrochloride Transfer to Schedule II

A notice dated November 15, 1973, and published in the FEDERAL REGISTER on November 23, 1973 (38 FR 32262) proposed the transfer of etorphine hydrochloride from Schedule I to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513). All interested persons were given 30 days after publication to submit their objections, comments, or requests for a hearing.

In response to the said notice, the Administration received two comments and one objection. The Department of Health and Social Services, State of Wisconsin by letter dated December 20, 1973, concurred in the proposed transfer. The Division of Wildlife, Department of Wildlife, State of Colorado, by letter dated December 10, 1973, suggested that the distribution of etorphine hydrochloride should not be limited to licensed veterinarians. The Food and Drug Administration has restricted the use of etorphine hydrochloride and diprenorphine by or on the order of a licensed veterinarian. The Drug Enforcement Administration shall transmit additional information to the Food and Drug Administration indicating its willingness to permit other qualified persons to use

these substances if the Food and Drug Administration deems it proper and changes the labelling of the substances.

The American Pharmaceutical Association by letter dated December 20, 1973, objected to the restricted distribution of etorphine hydrochloride alleging that the Drug Enforcement Administration does not have the authority to deny any registrant the right to distribute controlled substances in schedules for which he is registered without deciding whether the American Pharmaceutical Association is an interested party with standing to object to the regulation, the Administration clearly has the authority to proscribe regulation, the Administration clearly has the authority to proscribe regulations restricting the distribution of etorphine hydrochloride. Section 871(b) of Title 21 of the United States Code provides that "the Attorney General may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this title." Additional authority is found in Sections 301, 307, and 308 of the Controlled Substances Act (21 U.S.C. 827, 828 and 871(b)).

The Administration does acknowledge the necessity for codification of these procedures and amendments to Title 21 of the Code of Federal Regulations are published in this volume of the FEDERAL REGISTER.

Based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (b)), the Administrator of the Drug Enforcement Administration finds that etorphine hydrochloride:

- (1) Has a high potential for abuse;
- (2) Has a currently accepted medical use in treatment in the United States with severe restrictions; and
- (3) May, if abused, lead to severe psychological or physical dependence.

On July 3, 1973 (38 FR 17717), the Administrator of the Drug Enforcement Administration ordered that § 1308.11(c) of Title 21 of the Code of Federal Regulations be amended by adding a new item, Drotebanol. The amendment to § 1308.11(c) renumbers the items therein to place Drotebanol in alphabetical order with the other controlled substances.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator orders that:

- a. Section 1301.02(b) of Title 21 of the Code of Federal Regulations be amended by inserting a new paragraph (b) (4) (iv) and renumbering paragraphs (b) (4) (iv)-(xiv) to read:

§ 1301.02 Definitions.

- (b) * * *
- (4) * * *
- (iv) Etorphine hydrochloride;
- (v) Ethylmorphine;
- (vi) Hydrocodone;
- (vii) Hydromorphone;
- (viii) Metopon;
- (ix) Morphine;
- (x) Oxycodone;
- (xi) Oxymorphone;
- (xii) Thebaine;
- (xiii) Mixed alkaloids of opium listed in § 1308.12(b) (2) of this chapter;
- (xiv) Cocaine; and
- (xv) Ecgonine;

b. Section 1308.11(c) of Title 21 of the Code of Federal Regulations be amended by revising subparagraphs (9)-(23) of paragraph (c) to read:

§ 1308.11 Schedule I.

(c) * * *

(9) Drotebanol	9335
(10) Etorphine (except hydrochloride salt)	9056
(11) Heroin	9200
(12) Hydromorphinol	9301
(13) Methyldesorphine	9302
(14) Methyldihydromorphine	9304
(15) Morphine methylbromide	9306
(16) Morphine methylsulfonate	9306
(17) Morphine-N-Oxide	9607
(18) Myrophine	9608
(19) Nicocodeine	9309
(20) Nicomorphine	9612
(21) Normorphine	9313
(22) Pholcodine	9314
(23) Thebacon	9315

(c) Section 1308.12(b) of Title 21 of the Code of Federal Regulations be amended by revising paragraph (b) (1) to read:

§ 1308.12 Schedule II.

(b) * * *

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium of opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium	9600
(ii) Opium extracts	9610
(iii) Opium fluid extracts	9620
(iv) Powdered opium	9639
(v) Granulated opium	9640
(vi) Tincture of opium	9630
(vii) Apomorphine	9030
(viii) Codeine	9050
(ix) Ethylmorphine	9190
(x) Etorphine hydrochloride	9059
(xi) Hydrocodone	9193
(xii) Hydromorphone	9194
(xiii) Metopon	9260
(xiv) Morphine	9300
(xv) Oxycodone	9143
(xvi) Oxymorphone	9652
(xvii) Thebaine	9333

The requirements imposed on the substance controlled by this order are as follows:

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports any of this substance or who proposes to engage in the manufacture, distribution, importa-

tion, or exportation of, or research with, this substance shall obtain a registration to conduct that activity on or before April 19, 1974.

2. *Security.* This substance must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), 1301.73, 1301.74(a), 1301.75, and § 1301.76 of Title 21 of the Code of Federal Regulations. In addition, all registrants desiring to handle etorphine hydrochloride will be required to use a safe or steel cabinet equivalent to a U.S. Government Class V security container after August 1, 1974. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labelling and packaging.* All labels on commercial containers of, and all labelling of, this substance which is packaged after April 19, 1974 shall comply with the requirements of §§ 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations. In accordance with § 1302.08 of Title 21 of the Code of Federal Regulations, the Administrator finds that in order to protect the public health and safety early compliance with these requirements is necessitated by the high potential for abuse and the limited medical use of this substance. The shipment of etorphine hydrochloride should be under secure conditions using substantial packaging material with no markings on the outside of the package which would indicate the content. Shipment would be by the most secure means of transport available.

4. *Quotas.* Quotas for this substance have been established pursuant to section 1303 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Registrants possessing this substance will not be required to take an additional inventory.

6. *Records.* All registrants shall continue to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations. In addition, records for this substance shall be maintained separately from all other records on or before April 19, 1974.

7. *Reports.* All registrants are required to continue filing reports pursuant to Sections 1304.37-1304.41 of Title 21 of the Code of Federal Regulations. In addition, registrants supplying this substance are required to forward copies of the order forms received to the Drug Enforcement Administration on a weekly basis on or before April 19, 1974.

8. *Order forms.* Each distribution of this substance requires the use of an order form pursuant to Part 1305.03 of Title 21 of the Code of Federal Regulations. Order forms for etorphine hydrochloride shall contain this substance alone or with diprenorphine (but shall not contain any other substance) on or after April 19, 1974.

9. *Prescriptions.* The Food and Drug Administration has restricted the use of this substance by or on the order of a licensed veterinarian. Therefore, this substance is not to be obtained by use of a prescription.

10. *Importation and exportation.* All importation and exportation of any of this substance on or after April 19, 1974 shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

11. *Criminal liability.* Any activity with etorphine hydrochloride not authorized by or in violation of the Controlled Substances Act or the Controlled Substances Import and Export Act before April 19, 1974 shall be unlawful. The applicable penalties shall be those of a Schedule I narcotic controlled substance. On April 19, 1974, etorphine hydrochloride for the purposes of criminal liability shall be treated as a Schedule II controlled substance. It should be noted that penalties of Schedule I or II narcotic controlled substances are the same. The only effect of the transfer will be for pleading purposes.

12. Other. In all other respects, this order is effective on April 19, 1974.

Dated: March 25, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc. 74-7275 Filed 3-28-74; 8:45 am]

Title 26—Internal Revenue
CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7309]

PART 301—PROCEDURE AND ADMINISTRATION

Time for Performance of Acts Where Last Day Falls on a Legal Holiday

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Monday, July 16, 1973 (38 FR 18897), an amendment to the regulations on Procedure and Administration (26 CFR Part 301) under section 7503 of the Internal Revenue Code of 1954 was proposed in order to conform such regulations to the changes made by Pub. L. 90-363, 82 Stat. 250, which amended 5 U.S.C. 6103(a), regarding the observance of certain legal holidays on Monday. The amendment of 5 U.S.C. 6103(a) was effective on January 1, 1971. After consideration of all such relevant matter as was presented by interested persons, certain changes were made, and the proposed amendment of the regulations, subject to the changes indicated below, is adopted by this document.

The amendment to the regulations is designed to conform § 301.7503-1(b) (1) to the present District of Columbia law regarding the date of observance of legal holidays. The District of Columbia now observes Washington's Birthday on the third Monday in February, Memorial Day on the last Monday in May, Veterans' Day on the fourth Monday in October, and Thanksgiving on the fourth Thursday in November. Columbus Day is also considered a legal holiday in the District of Columbia for all calendar years after 1970, and is observed on the

second Monday in October. Under the amendment of the regulations, the dates of observance of these holidays for purposes of the Internal Revenue Code of 1954 will correspond to the dates of observance of these holidays in the District of Columbia. So that the amendment to the regulations will not adversely affect certain taxpayers who relied on the current regulations, for the calendar years 1971, 1972, 1973, and 1974, taxpayers may, at their option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Washington's Birthday as falling on either February 22 or the third Monday in February. For the calendar years 1971, 1972, and 1973, taxpayers may, at their option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Memorial Day as falling on either May 30 or the last Monday in May, and Veterans' Day as falling on either November 11 or the fourth Monday in October. The option is denied to taxpayers in those cases where the performance of an act relates to the jurisdiction of a court in order to be consistent with William M. Winkler, 56 T.C. 844 (1971). In that case the United States Tax Court held that in computing the 150-day filing requirement of section 6213(a) of the Code, Monday, February 15, 1971, was a legal holiday (Washington's Birthday) in the District of Columbia. The Tax Court made no mention of the availability of an option in cases where the performance of an act relates to the jurisdiction of a court.

The proposed regulations did not extend optional treatment to Veterans' Day for 1973 or Washington's Birthday for 1974.

Pursuant to paragraph 4(a) of Treasury Order 221, published in the FEDERAL REGISTER for June 10, 1972 (37 FR 11696), certain regulations of the Internal Revenue Service continue in effect as regulations of the Bureau of Alcohol, Tobacco, and Firearms until superseded or revised. The regulations amended by this Treasury decision are among those that continue to apply for purposes of the laws administered by the Bureau in addition to applying for purposes of the laws administered by the Internal Revenue Service. The Director, Bureau of Alcohol, Tobacco, and Firearms has, for this reason, joined as a signatory to this Treasury decision.

Adoption of amendment to the regulations. On Monday, July 16, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (33 FR 18897) to amend the Regulations on Procedure and Administration (26 CFR Part 301) under section 7503 of the Internal Revenue Code of 1954 in order to conform such regulations to the changes made by Pub. L. 90-363, 82 Stat. 250, which amended 5 U.S.C. 6103(a), regarding the observance of certain legal holidays on Monday. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

PARAGRAPH (b)(1) of § 301.7503-1 is amended as set forth below:

(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)))

REX D. DAVIS,
*Director, Bureau of Alcohol,
Tobacco, and Firearms.*

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 22, 1974.

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

Paragraph (b)(1) of § 301.7503-1 is amended to read as follows:

§ 301.7503-1 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

(b) *Legal holidays.* (1) For the purpose of section 7503, the term "legal holiday" includes the legal holidays in the District of Columbia. Such legal holidays found in D.C. Code Ann. § 28-2701 (1967) and 5 U.S.C. 6103(a), as enacted and made effective by the Act of June 28, 1968 (82 Stat. 250), are—

- (i) January 1, New Year's Day,
- (ii) January 20, when such day is Inauguration Day,
- (iii) Third Monday in February, Washington's Birthday,
- (iv) Last Monday in May, Memorial Day,
- (v) July 4, Independence Day,
- (vi) First Monday in September, Labor Day,
- (vii) Second Monday in October, Columbus Day,
- (viii) Fourth Monday in October, Veterans' Day,
- (ix) Fourth Thursday in November, Thanksgiving Day, and
- (x) December 25, Christmas Day.

When a legal holiday in the District of Columbia falls on a Sunday, the next day is a legal holiday in the District of Columbia (see D.C. Code Ann. § 28-2701 (1967)). For the purpose of section 7503, when a legal holiday in the District of Columbia (other than Inauguration Day) falls on a Saturday it shall be treated as falling on the preceding Friday. For calendar years prior to 1971, Washington's Birthday will be treated as falling on February 22, Memorial Day on May 30, and Veterans' Day on November 11. For calendar years 1971, 1972, 1973, and 1974, the taxpayer may, at his option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Washington's Birthday as falling on either February 22 or the third Monday in February. For calendar years 1971, 1972, and 1973, the taxpayer may, at his option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Memorial Day as falling on either May 30 or the last Monday in May, and Veterans' Day as falling on either November 11 or the fourth Monday in October. Columbus Day is not a legal

holiday in the District of Columbia in any calendar year prior to 1971.

[FR Doc. 74-7342 Filed 3-27-74; 8:45 am]

[T. D. 7310]

PART 301—PROCEDURE AND ADMINISTRATION

Disclosure or Use of Information by Preparers of Returns

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for December 20, 1972 (37 FR 28070), amendments to the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform the regulations to section 7216 of the Internal Revenue Code of 1954, relating to the disclosure or use of information by preparers of returns, as added by section 316 of the Revenue Act of 1971 (85 Stat. 529). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

Section 7216(a) of the Code provides that any person who is engaged in the business of preparing, or providing services in connection with the preparation of, income tax returns or declarations of estimated tax and who discloses any tax return information or uses such information for any purpose other than to prepare, or assist in preparing, a return shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both. Section 7216(a) also applies to any person who for compensation prepares any such return or declaration, whether or not such person is in the tax return preparer business.

Section 7216(b) provides certain exceptions to the new penalty rule. A tax return preparer may without penalty disclose tax return information if such disclosure is made pursuant to any other provision of the Internal Revenue Code or pursuant to an order of a court. The penalty does not apply to the use of information in the preparation of State and local tax returns. Furthermore, the Secretary or his delegate is authorized to prescribe regulations under which other disclosures or uses will not be subject to the penalty.

As published with the notice of proposed rule making, § 301.7216-1 contained in paragraph (a) the general rule for the application of section 7216 and in paragraph (b) detailed definitions of the terms "tax return", "tax return preparer", "tax return processor", and "tax return information". This document makes a technical change in paragraph (a) to make clear that the tax return referred to therein is the return of the taxpayer in respect of whom the information was furnished. Paragraph (b) is revised substantially by this document. The distinction between a tax return preparer and a tax return processor is eliminated. Persons who under the notice of

proposed rule making were defined as tax return processors are included within the new definition of tax return preparers. As a result of this revision, all of the disclosures or uses permitted without formal written consent under § 301.7216-2, and with formal written consent under § 301.7216-3, are applicable to all persons classified as tax return preparers.

Pursuant to the authority granted to the Secretary or his delegate, § 301.7216-2, as set forth in the notice of proposed rule making provided that certain disclosures or uses of tax return information were permitted without the formal written consent of the taxpayer. The taxpayer's attorney was permitted to disclose or use tax return information in connection with the rendering of legal services, such as estate planning, preparation of trial briefs, etc., to the taxpayer. Accountants were permitted to disclose or use tax return information in the preparation of books of account, working papers, and accounting statements or reports, or in the performance of other services for a taxpayer. In addition, other disclosures without the formal written consent of the taxpayer were permitted, such as a disclosure by a tax return preparer to a tax return processor, or a disclosure by one employee to another employee of a tax return preparer or a tax return processor.

A number of changes have been made by this document in proposed § 301.7216-2. Thus, a new paragraph (b) has been added to authorize in appropriate circumstances the disclosure or use, in the preparation of a tax return of one taxpayer, of tax return information furnished by another taxpayer. These situations are limited to those involving related taxpayers having no adverse interest. The rules governing attorneys and accountants have been combined and revised, and specifically extended to corporate fiduciaries, such as trust companies and bank trust departments, with the objective of permitting, without formal written consent of the taxpayer, the disclosure or use of tax return information in the customary and ordinary course of performing the professional or fiduciary services to or for the taxpayer. Another new rule makes clear that a tax return preparer may, without penalty, make tax return information available to the fiduciary of a taxpayer who, after furnishing the information, has become incompetent, insolvent, or bankrupt, or to the fiduciary of the estate of a deceased taxpayer. The rule on disclosure by one employee to another employee of a tax return preparer has been clarified and made applicable to officers and partners. The rule relating to use of information in the preparation of State returns has been expanded to apply to disclosure or use in the preparation or audit of State returns. In addition, the rules on retention of records and compiling of taxpayer lists have been made less restrictive.

Under the notice of proposed rule making, and pursuant to the authority granted to the Secretary or his delegate,

certain disclosures or uses were permitted under § 301.7216-3 only with the formal written consent of the taxpayer. These consents were required to permit tax return preparers to use tax return information in connection with the solicitation of certain additional current business, to allow lawyers and accountants to disclose to third parties, and to permit tax return preparers to use the tax return information of one taxpayer in preparing the tax return of another taxpayer entering into a tax-related transaction with the first. These rules were intended to cover situations where tax return information could not be disclosed or used pursuant to § 301.7216-2.

Section 301.7216-3 has been revised in this document. The rule on solicitation of current business has been revised so that it applies only to matters not related to the Internal Revenue Service. Existing rules in Treasury Department Circular No. 230 (31 CFR 10.30) and Rev. Proc. 68-20, 1968-1 C.B. 812, govern the solicitation of employment in matters related to the Internal Revenue Service. The rule on disclosure to third parties has been expanded to apply to all tax return preparers; it will not apply where disclosure without formal written consent is permitted under § 301.7216-2 in the performance of professional or fiduciary services. The rule on use of tax return information in connection with another person's return has been revised to apply to disclosures or uses where the new § 301.7216-2(b) added by this document does not permit disclosure or use without formal written consent. A revised rule permits the formal consent to be signed by the taxpayer or his duly authorized agent or fiduciary. Two examples affecting certified public accountants have been eliminated from proposed § 301.7216-3(c) since the situations involved will be covered by revised § 301.7216-2(e).

In view of the foregoing, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 301.7216-1, as set forth in the notice of proposed rule making, is changed by deleting subparagraph (3) of paragraph (b), by redesignating subparagraph (4) of paragraph (b) as subparagraph (3), and by revising paragraph (a), subparagraph (2) of paragraph (b), subparagraph (3) of paragraph (b), as so redesignated, and so much of paragraph (b) as precedes subparagraph (1) thereof, to read as set forth below:

PAR. 2. Section 301.7216-2, as set forth in the notice of proposed rulemaking, is changed to read as set forth below:

PAR. 3. Section 301.7216-3, as set forth in the notice of proposed rulemaking, is changed by revising the heading of such section, by revising paragraphs (a) and (b), by deleting examples (2) and (3) in paragraph (c), by redesignating examples (4) and (5) in paragraph (c) as examples (2) and (3), and by revising example (3) as so redesignated, as set forth below:

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 (28 U.S.C. 7805)))

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

Approved: March 25, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the
Treasury.

§ 301.7216 Statutory provisions; disclosure or use of information by preparers of returns.

Sec. 7216. Disclosure or use of information by preparers of returns—(a) General rule. Any person who is engaged in the business of preparing, or providing services in connection with the preparation of, returns of the tax imposed by chapter 1, or declarations or amended declarations of estimated tax under section 6015, or any person who for compensation prepares any such return or declaration for any other person, and who—

(1) Discloses any information furnished to him for, or in connection with, the preparation of any such return or declaration, or

(2) Uses any such information for any purpose other than to prepare, or assist in preparing, any such return or declaration, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

(b) **Exceptions—(1) Disclosure.** Subsection (a) shall not apply to a disclosure of information if such disclosure is made—

(A) Pursuant to any other provision of this title, or

(B) Pursuant to an order of a court.

(2) **Use.** Subsection (a) shall not apply to the use of information in the preparation of, or in connection with the preparation of, State and local tax returns and declarations of estimated tax of the person to whom the information relates.

(3) **Regulations.** Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary or his delegate under this section.

[Sec. 7216 as added by sec. 316, Rev. Act 1971 (85 Stat. 529)]

§ 301.7216-1 Penalty for disclosure or use of tax return information.

(a) **In general.** Section 7216(a) provides in effect that, except as provided in section 7216(b), any tax return preparer (as described in paragraph (b) (2) of this section) who on or after January 1, 1972, discloses or uses any tax return information (as described in paragraph (b) (3) of this section) other than for the specific purpose of preparing, assisting in preparing, or obtaining or providing services in connection with the preparation of, any tax return of the taxpayer by or for whom the information was made available to a tax return preparer, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution. Pursuant to section 7216(b), the provisions of section 7216(a) and this paragraph do not apply to any disclosure or use permitted under § 301.7216-2 or § 301.7216-3.

(b) *Definitions.* For purposes only of section 7216 and §§ 301.7216-1 through 301.7216-3—

(1) *Tax return.* The term "tax return" means any return (or amended return) of the income tax imposed by chapter 1 or 2 of the Code, or any declaration (or amended declaration) of estimated tax made under section 6015.

(2) *Tax return preparer.* (i) The term tax return preparer means any person—

(A) Who is engaged in the business of preparing tax returns,

(B) Who is engaged in the business of providing auxiliary services in connection with the preparation of tax returns,

(C) Who is remunerated for preparing, or assisting in preparing, a tax return for any other person, or

(D) Any individual who, as part of his duties or employment with any person described in (A), (B), or (C) of this subdivision, performs services which assist in the preparation of, or assist in providing auxiliary services in connection with the preparation of, a tax return.

For example, assume that a bank is a tax return preparer within the meaning of (A) of this subdivision and it employs one individual to solicit the necessary tax return information for the preparation of a tax return and another individual to prepare the return on the basis of the information that is furnished. Under these circumstances, both employees are tax return preparers. Also, for example, a secretary to a tax return preparer who types or otherwise works on returns prepared by the preparer is a tax return preparer.

(ii) A person is engaged in the business of preparing tax returns as described in subdivision (i) (A) of this subparagraph if, in the course of his business, he holds himself out to taxpayers as a person who prepares tax returns, whether or not tax return preparation is his sole business activity and whether or not he charges a fee for such services.

(iii) A person is engaged in the business of providing auxiliary services in connection with the preparation of tax returns as described in subdivision (i) (B) of this subparagraph if, in the course of his business, he holds himself out to tax return preparers or to taxpayers as a person who performs such auxiliary services, whether or not providing such auxiliary services is his sole business activity and whether or not he charges a fee for such services. For example, a person part or all of whose business is to provide a computerized tax return processing service based on tax return information furnished by another person is a tax return preparer.

(iv) A tax return preparer described in subdivision (i) (C) of this subparagraph includes any person who—

(A) For remuneration but not in the course of a business prepares a tax return for another person, or

(B) For remuneration and on a casual basis helps a relative, friend, or other acquaintance to prepare the latter's tax return.

(v) A person is not a tax return preparer merely because he leases office

space to a tax return preparer, furnishes credit to a taxpayer whose tax return is prepared by a tax return preparer, or otherwise performs some service which only incidentally relates to the preparation of tax returns. For example, assume that a tax return preparer contracts with a department store for the rental of space in the store, and that the store advertises that taxpayers who use the tax return preparation service may charge the cost of having their tax return prepared to their charge account with the department store. Under such circumstances, the department store is not a tax return preparer.

(3) *Tax return information.* The term "tax return information" means any information, including but not limited to a taxpayer's name, address, or identifying number, which is furnished in any form or manner by a taxpayer for, or in connection with, the preparation of a tax return of such taxpayer. Information furnished by a taxpayer includes information which is furnished on behalf of the taxpayer by any person; for example, any person required under section 6012 to make a return for such taxpayer, such as a guardian for a minor, by a duly authorized agent for his principal, by a fiduciary for an estate or trust, or by a receiver, trustee in bankruptcy, or assignee for a corporation.

§ 301.7216-2 Disclosure or use without formal consent of taxpayer.

(a) *Disclosure pursuant to other provisions of Internal Revenue Code.* The provisions of section 7216(a) and § 301.7216-1 shall not apply to any disclosure of tax return information if such disclosure is made pursuant to any other provision of the Code or the regulations thereunder. Thus, for example, the provisions of such sections do not apply to a disclosure pursuant to section 7269 to an officer or employee of the Internal Revenue Service of information concerning the estate of a decedent or a disclosure pursuant to section 7602 to an officer or employee of the Internal Revenue Service of books, papers, records, or other data which may be relevant to the liability of any person for the income tax.

(b) *Disclosure or use of information in the case of related taxpayers.* (1) A tax return preparer may use, in preparing a tax return of a second taxpayer, and may disclose to such second taxpayer in the form in which it appears on such return, any tax return information which the preparer obtained from a first taxpayer if—

(1) The second taxpayer is related to the first taxpayer within the meaning of subparagraph (2) of this paragraph,

(ii) The first taxpayer's tax interest in such information is not adverse to the second taxpayer's tax interest in such information, and

(iii) The first taxpayer has not expressly prohibited such disclosure or use.

(2) For purposes of subparagraph (1) (i) of this paragraph, one taxpayer is related to another taxpayer if they have any one of the following relationships:

husband and wife, child and parent, grandchild and grandparent, partner and partnership, trust or estate and beneficiary, trust or estate and fiduciary, corporation and shareholder, or members of a controlled group of corporations as defined in section 1563.

(3) See § 301.7216-3(a) (3) for disclosure or use of tax return information of the taxpayer in preparing the tax return of a second taxpayer where the requirements of this paragraph are not satisfied.

(c) *Disclosure pursuant to court order.* The provisions of section 7216(a) and § 301.7216-1 shall not apply to any disclosure of tax return information if such disclosure is made pursuant to the order of any court of record, Federal, State, or local, clearly identifying the information to be disclosed.

(d) *Disclosure for use in revenue investigations or court proceedings.* A tax return preparer may disclose tax return information (1) to his attorney, or to an employee of the Internal Revenue Service, for use in connection with an investigation of such tax return preparer conducted by the Internal Revenue Service or (2) to his attorney, or to any officer of a court, for use in connection with proceedings involving such tax return preparer before the court.

(e) *Attorneys and accountants.* A tax return preparer who is lawfully engaged in the practice of law or accountancy and prepares a tax return for a taxpayer to or for whom it renders legal or accounting services may disclose or use the tax return information of such taxpayer in the ordinary course of rendering such legal or accounting services to or for such taxpayer. Thus, for example, a lawyer who prepares a tax return for a taxpayer to or for whom he renders legal services may disclose or use the tax return information of the taxpayer for, or in connection with, the rendering of legal services, such as estate planning or administration, or preparation of trial briefs or trust instruments, to the taxpayer or his estate. In further illustration, an accountant who prepares a tax return for a taxpayer to or for whom he renders accounting services may disclose or use the tax return information of the taxpayer for, or in connection with, the preparation of books of account, working papers, or accounting statements or reports of the taxpayer and, in the normal course of rendering such accounting services to or for the taxpayer, may, with the express or implied consent of the taxpayer, make such tax return information available to stockholders, management, suppliers, lenders, or other third parties.

(f) *Corporate fiduciaries.* A trust company, trust department of a bank, or other corporate fiduciary which prepares a tax return for a taxpayer to or for whom it renders fiduciary, investment, or other custodial or management services may (1) disclose or use the tax return information of such taxpayer in the ordinary course of rendering such services to or for the taxpayer or (2), with

the express or implied consent of the taxpayer, make such information available to the taxpayer's attorney, accountant, or investment advisor.

(g) *Disclosure to taxpayer's fiduciary.* If after furnishing tax return information to a tax return preparer the taxpayer dies or becomes incompetent, insolvent, or bankrupt, or his assets are placed in conservatorship or receivership, the tax return preparer may disclose such information to the duly appointed fiduciary of the taxpayer or his estate, or to the duly authorized agent of such fiduciary.

(h) *Disclosure by tax return preparer to tax return processor.* A tax return preparer may disclose tax return information of a taxpayer to another tax return preparer described in § 301.7216-1(b)(2)(i)(B) for the purpose of having the second tax return preparer transfer that information to, and compute the tax liability on, a tax return of such taxpayer by means of electronic, mechanical, or other form of tax return processing service.

(i) *Disclosure by one officer, employee, or member to another officer, employee, or member.* An officer, employee, or member of a tax return preparer may transfer any tax return information to another officer, employee, or member of the same tax return preparer for the purpose of performing services which assist in the preparation of, or assist in providing auxiliary services in connection with the preparation of, the tax return of a taxpayer by or for whom the information was furnished.

(j) *Identical information obtained from other sources.* The provisions of section 7216(a) and § 301.7216-1 shall not apply to the disclosure or use by a tax return preparer of information which is identical to any tax return information which has been furnished to him if such identical information was obtained otherwise than in connection with the preparation of, or providing auxiliary services in connection with the preparation of, a tax return.

(k) *Disclosure or use of information in preparation or audit of State returns.* The provisions of section 7216(a) and § 301.7216-1 shall not apply to the disclosure or use by any tax return preparer of any tax return information in the preparation or audit of, or in connection with the preparation or audit of, any tax return or declaration of estimated tax required of the taxpayer under the law of any State or political subdivision thereof, of the District of Columbia, or of any possession of the United States.

(l) *Retention of records.* A tax return preparer may retain tax return information of a taxpayer, including copies of tax returns or data processing tapes prepared on the basis of such tax return information, and may use such information in connection with the preparation of other tax returns of the taxpayer or in connection with an audit by the Internal Revenue Service of any tax return. The provisions of paragraph (m) of this section respecting the transfer of a tax-

payer list apply also to the transfer of any records and related workpapers to which this paragraph applies.

(m) *Lists for solicitation of tax return business.* Any tax return preparer may compile and maintain a separate list containing the names and address of taxpayers whose tax returns he has prepared or processed. This list may be used by the compiler solely to contact the taxpayers on the list for the purpose of offering tax information or additional tax return preparation services to such taxpayers. The compiler of the list may not transfer the taxpayer list, or any part thereof, to any other person unless such transfer takes place in conjunction with the sale or other disposition of the tax return preparation business of such compiler. A person who acquires a taxpayer list, or a part thereof, in conjunction with such a sale or other disposition shall be subject to the provisions of this paragraph with respect to such list as if he had been the compiler of such list. The term "list", as used in this paragraph, includes any record or system whereby the names and addresses of taxpayers are retained.

§ 301.7216-3 Disclosure or use only with formal consent of taxpayer.

(a) *Written consent to use or disclosure—(1) Solicitation of other business.*

(i) If a tax return preparer has obtained from the taxpayer a consent described in paragraph (b) of this section, he may use the tax return information of such taxpayer to solicit from the taxpayer any additional current business, in matters not related to the Internal Revenue Service, which the tax return preparer provides and offers to the public. The request for such consent may not be made later than the time the taxpayer receives his completed tax return from the tax return preparer. If the request is not granted, no follow up request may be made. This authorization to use the tax return information of the taxpayer does not apply, however, for purposes of facilitating the solicitation of the taxpayer's use of any services or facilities furnished by a person other than the tax return preparer, unless such other person and the tax return preparer are members of the same affiliated group within the meaning of section 1504. Thus, for example, the authorization would not apply if the other person is a corporation which is owned or controlled directly or indirectly by the same interests which own or control the tax return preparer but which is not affiliated with the tax return preparer within the meaning of section 1504(a). Moreover, this authorization does not apply for purposes of facilitating the solicitation of additional business to be furnished at some indefinite time in the future, as, for example, the future sale of mutual fund shares or life insurance, or the furnishing of future credit card services. It is not necessary, however, that the additional business be furnished in the same locality in which the tax return information is furnished.

(ii) For prohibition against solicitation of employment in matters related to the Internal Revenue Service, see 31 CFR 10.30 (Treasury Department Circular No. 230) and § 7 of Rev. Proc. 68-20, 1968-1 C.B. 812.

(2) *Permissible disclosures to third parties.* If a tax return preparer has obtained from a taxpayer a consent described in paragraph (b) of this section, he may disclose the tax return information of such taxpayer to such third persons as the taxpayer may direct. However, see § 301.7216-2 for certain permissible disclosures without formal written consent.

(3) *Disclosure or use of information in connection with another person's return.* A tax return preparer may disclose or use any tax return information, which was obtained from a first taxpayer, in preparing a tax return of a second taxpayer if the tax return preparer has obtained from the first taxpayer a written consent described in paragraph (b) of this section. See § 301.7216-2(b) for disclosure or use in certain cases without formal consent.

(b) *Form of consent.* A separate written consent, signed by the taxpayer or his duly authorized agent or fiduciary, must be obtained for each separate use or disclosure authorized in paragraph (a) (1), (2) or (3) of this section and shall contain—

(1) The name of the tax return preparer,

(2) The name of the taxpayer,

(3) The purpose for which the consent is being furnished,

(4) The date on which such consent is signed,

(5) A statement that the tax return information may not be disclosed or used by the tax return preparer for any purpose (not otherwise permitted under § 301.7216-2) other than that stated in the consent, and

(6) A statement by the taxpayer, or his agent or fiduciary, that he consents to the disclosure or use of such information for the purpose described in subparagraph (3) of this paragraph.

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

Example (1). In order to stimulate the making of loans, a bank advertises that it is in the business of preparing tax returns. A taxpayer goes to the bank to have his tax return prepared. After the return has been completed by the bank, the employee of the bank who obtained the tax return information from the taxpayer explains that the taxpayer owes an additional \$400 in taxes and that the bank's loan department may be able to offer the taxpayer a loan to pay the tax due. If the taxpayer decides to accept the opportunity offered to apply for a loan, the bank must first have the taxpayer execute a written consent described in paragraph (b) of this section for the bank to use any of such information which is required in determining whether to make the tax loan.

Example (2). An individual who sells life insurance and shares in a mutual fund is

also in the business of preparing tax returns. A taxpayer who has gone to the individual to have his tax return prepared is requested, at the time he picks up his completed tax return, to give his consent to the individual's use of his tax return information in connection with such individual's solicitation of the taxpayer's purchasing a life insurance policy and shares in the mutual fund. Before the individual may use such tax return information as a basis for soliciting such additional business from the taxpayer, the taxpayer must execute separate written consents under paragraph (b) of this section, one authorizing the use of such information as a basis for soliciting the sale of the mutual fund shares and a second authorizing the use of such information as a basis for soliciting the sale of the life insurance.

Example (3). The facts are the same as in example (2) except that the individual does not sell life insurance but does sell shares in several mutual funds. If the request is for the purpose of using the tax return information as a basis for soliciting the sale at one time of shares in mutual funds A and B, only one written consent under paragraph (b) of this section is required of the taxpayer. If, however, the request is for the purpose of using the tax return information as a basis for soliciting the sale of shares in fund A at one time, and the sale of shares in fund B at a later time, two written consents under such paragraph are required of the taxpayer.

[FR Doc.74-7343 Filed 3-27-74;8:45 am]

Title 33—Navigation and Navigable Waters

**CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION
[CGD 73-100R]**

**PILOT RULES FOR THE GREAT LAKES
AND INLAND WATERS**

**Lights and Day Signals; Passing a Floating
Plant; Pilot Vessels**

These amendments to the Pilot Rules for the Great Lakes add regulations for—
a. Lights and day signals for vessels, dredges, and vessels working on wrecks and obstructions, etc.;

b. Passing a floating plant working in a navigable channel; and
c. Lights for Great Lakes pilot vessels.

These regulations are identical to the regulations in Part 201 of Title 33 which are administered by the U.S. Army Corps of Engineers. The Corps of Engineers has revoked Part 201 in the FEDERAL REGISTER of May 16, 1973 (38 FR 12804). The effective date of that revocation is the effective date of the regulations published in this document.

Though Part 201 applies to both the Great Lakes and Western Rivers, the regulations in this document apply only to the Great Lakes. Sections 95.52 through 95.66 of the Pilot Rules for Western Rivers already contain regulations similar to those in Part 201.

These amendments are based on a notice of proposed rulemaking published in the Wednesday, August 1, 1973, issue of the FEDERAL REGISTER (38 FR 20467). Interested parties were invited to comment on the proposal. No comments in response to the notice of proposed rulemaking were received. Accordingly, the proposed amendments are adopted in

this document without substantive change.

The proposed regulations were numbered in the notice of proposed rulemaking as §§ 90.31 through 90.46. In this document they have been renumbered as §§ 90.22 through 90.37 to provide organization that is consistent with the organization of the Pilot Rules in Part 80 and Part 95 of Title 33. To accomplish the renumbering of these regulations, the present §§ 90.22 through 90.30 in Part 90 are renumbered as §§ 90.38 through 90.46.

This document also deletes the footnotes in Title 33 that immediately precede § 80.18 of Part 80 and § 95.51 of Part 95. These footnotes explained that some of the Pilot Rules for the Great Lakes were contained in Part 201. Notice and public procedure on these amendments to Part 80 and Part 95 are unnecessary because the amendments are clerical in nature and do not amend any regulations.

In accordance with the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

**PART 80—PILOT RULES FOR INLAND
WATERS**

1. The Note immediately preceding § 80.18 and following the centerhead after § 80.17 entitled "Lights And Day Signals For Vessels, Dredges of All Types, And Vessels Working on Wrecks and Obstructions, Etc." is deleted.

(Sec. 1, Pub. L. 85-656, 72 Stat. 612 (33 U.S.C. 157); Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

**PART 90—PILOT RULES FOR THE
GREAT LAKES**

2. Sections 90.22 through 90.30 grouped under the centerhead entitled MISCELLANEOUS are redesignated as §§ 90.38 through 90.46 and grouped under the same centerhead.

3. New §§ 90.22 through 90.37 to be grouped under the centerhead entitled "Lights and Day Signals for Vessels, Dredges, and Vessels Working on Wrecks and Obstructions, Etc." are added to read as follows:

**LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES,
AND VESSELS WORKING ON WRECKS AND
OBSTRUCTIONS, ETC.**

- Sec.
90.22 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.
- 90.23 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.
- 90.24 Dredges held in stationary position by moorings or spuds.
- 90.25 Self-propelling suction dredges under way and engaged in dredging operations.
- 90.26 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.
- 90.27 Lights to be displayed on pipelines.
- 90.28 Lights generally.
- 90.29 Vessels moored or at anchor.

**PASSING FLOATING PLANT WORKING IN
NAVIGABLE CHANNELS**

- 90.30 Passing signals.
- 90.31 Speed of vessels passing floating plant working in channels.
- 90.32 Light-draft vessels passing floating plant.
- 90.33 Aids to navigation marking floating-plant moorings.
- 90.34 Obstruction of channel by floating plant.
- 90.35 Clearing of channels.
- 90.36 Protection of marks placed for the guidance of floating plant.
- 90.37 Lights for Great Lakes pilot vessels.

AUTHORITY: Sec. 3, 28 Stat. 649, as amended (33 U.S.C. 243); Sec. 6(b)(1), Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 40 CFR 1.46(b), unless otherwise noted.

**LIGHTS AND DAY SIGNALS FOR VESSELS,
DREDGES, AND VESSELS WORKING ON
WRECKS AND OBSTRUCTIONS, ETC.**

§ 90.22 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(a) The vessel having the submerged object in tow shall display by day, where they can best be seen, two shapes, one above the other, not less than six feet apart, the lower shape to be carried not less than 10 feet above the deck house. The shapes shall be in the form of a double frustrum of a cone, base to base, not less than two feet in diameter at the center nor less than eight inches at the ends of the cones, and to be not less than four feet lengthwise from end to end, the upper shape to be painted in alternate horizontal stripes of black and white, eight inches in width, and the lower shape to be painted a solid bright red.

(b) By night the towing vessel shall display the regular side lights, but in lieu of the regular white towing lights shall display four lights in a vertical position not less than three feet nor more than six feet apart, the upper and lower of such lights to be white, and the two middle lights to be red, all of such lights to be of the same character as the regular towing lights.

§ 90.23 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

(a) Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting, shall display by day two shapes of the same character and dimensions and displayed in the same manner as required by § 90.22(a), except that both shapes shall be painted a solid bright red, but where more than one vessel is working under the above conditions, the shapes need be displayed only from one vessel on each side of the wreck from which they can best be seen from all directions.

(b) By night this situation shall be indicated by the display of a white light from the bow and stern of each outside vessel or lighter not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck.

§ 90.24 Dredges held in stationary position by moorings or spuds.

(a) Dredges which are held in stationary position by moorings or spuds shall display by day two red balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, and at least 15 feet above the deck house and in a position where they can best be seen from all directions.

(b) By night they shall display a white light at each corner, not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck. When scows are moored alongside a dredge in the foregoing situation they shall display a white light on each outboard corner, not less than six feet above the deck.

§ 90.25 Self-propelling suction dredges under way and engaged in dredging operations.

(a) Self-propelling suction dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than 15 feet above the deck house, and where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site, but shall not include proceeding to and from the site.

(b) By night they shall carry, in addition to the regular running lights, two red lights of the same character as the white masthead light and in a vertical line beneath that light, the red lights to be not less than three feet nor more than six feet apart and the upper red light to be not less than four feet nor more than six feet below the masthead light, and on or near the stern two red lights in a vertical line not less than four feet nor more than six feet apart, to show through four points of the compass; that is, from right astern to two points on each quarter.

§ 90.26 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

(a) Vessels which are moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike

construction, revetment, or other bank protection operations, shall display by day, not less than 15 feet above the deck, where they can best be seen from all directions, two balls not less than two feet in diameter, in a vertical line not less than three feet nor more than six feet apart, the upper ball to be painted in alternate black and white vertical stripes six inches wide, and the lower ball to be painted a solid bright red.

(b) By night they shall display three red lights, carried in a vertical line not less than three feet nor more than six feet apart, in a position where they can best be seen from all directions, with the lowermost light not less than 15 feet above the deck.

(c) Where a stringout of moored vessels or barges is engaged in the operations, three red lights carried as prescribed in paragraph (b) of this section shall be displayed at the channelward end of the stringout. Where the stringout crosses the navigable channel and is to be opened for the passage of vessels, the three red lights shall be displayed at each side of the opening instead of at the outer end of the stringout. There shall also be displayed upon such stringout one horizontal row of amber lights not less than six feet above the deck, or above the deck house where the craft carries a deck house, in a position where they can best be seen from all directions, spaced not more than 50 feet apart so as to mark distinctly the entire length and course of the stringout.

§ 90.27 Lights to be displayed on pipe lines.

Pipe lines attached to dredges, and either floating or supported on trestles, shall display by night one row of amber lights not less than eight feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. There shall also be displayed on the shore or discharge end of the line two red lights, three feet apart, in a vertical line with the lower light at least eight feet above the water, and if the line is to be opened at night for the passage of vessels, a similar arrangement of lights shall be displayed on each side of the opening.

§ 90.28 Lights generally.

(a) All the lights required by §§ 90.22 to 90.27, except as provided in §§ 90.22 (b) and 90.25 (b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles.

(b) The lights required by § 90.22 (b) to be of the same character as the regular towing lights, and the lights required by § 90.25 (b) to be of the same character as the masthead light, shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least five miles.

(c) All floodlights or headlights which may interfere with the proper navigation

of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

§ 90.29 Vessels moored or at anchor.

Vessels of more than 65 feet in length when moored or anchored in a fairway or channel shall display between sunrise and sunset on the forward part of the vessel where it can best be seen from other vessels one black ball not less than two feet in diameter.

PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

§ 90.30 Passing signals.

(a) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the local pilot rules for vessels under way and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(b) When the pipe line from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipe line or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipe line shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (a) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(c) When any pipe line or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

NOTE: The term "floating plant" as used in §§ 9.30 to 90.36, includes dredges, derrick boats, snag boats, drill boats, pile drivers, maneuver boats, hydraulic graders, survey boats, working barges, and mat sinking plant.

§ 90.31 Speed of vessels passing floating plant working in channels.

Vessels, with or without tows, passing floating plant working in channels, shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant their speed shall not exceed five miles per hour. While passing over lines of the plant, propelling machinery shall be stopped.

§ 90.32 Light-draft-vessels passing floating plant.

Vessels whose draft permits shall keep outside the buoys marking the ends of mooring lines of floating plant working in channels.

§ 90.33 Aids to navigation marking floating-plant moorings.

Breast, stern, and bow anchors of floating plant working in navigable channels shall be marked by barrel or other suitable buoys. By night approaching vessels shall be shown the location of adjacent buoys by throwing a suitable beam of light from the plant on the buoys until the approaching vessel has passed, or the buoys may be lighted by red lights, visible in all directions, of the same character as specified in § 90.28(a).

§ 90.34 Obstruction of channel by floating plant.

Channels shall not be obstructed unnecessarily by any dredging or other floating plant. While vessels are passing such plant all lines running therefrom across the channel on the passing side which may interfere with or obstruct navigation shall be slacked to the bottom of the channel.

§ 90.35 Clearing of channels.

When special or temporary regulations have not been prescribed and action under the regulations contained in §§ 90.30 to 90.34 will not afford clear passage, floating plant in narrow channels shall, upon notice, move out of the way of vessels a sufficient distance to allow them a clear passage. Vessels desiring passage shall, however, give the master of the floating plant ample notice in advance of the time they expect to pass.

NOTE: If it is necessary to prohibit or limit the anchorage or movement of vessels within certain areas in order to facilitate the work of improvement, application should be made through official channels for establishment by the Secretary of the Army of special or temporary regulations for this purpose.

§ 90.36 Protection of marks placed for the guidance of floating plant.

Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant.

§ 90.37 Lights for Great Lakes pilot vessels.

(a) A power driven pilot vessel when engaged on pilotage duty and under way:

(1) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length the vessel may carry the white light at a height of not less than 9 feet above the gunwale and

the red light at a distance of 4 feet below the white light.

(2) Shall carry the sidelights prescribed by Great Lakes Rule 3 (33 U.S.C. 252) or by the Act of April 25, 1940 (46 U.S.C. 526b), as appropriate, and a white light at the stern showing an unbroken light over an arc of the horizon of 135°, so fixed as to show the light 67½° from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flareup lights.

(b) A sailing pilot vessel when engaged on pilotage duty and underway:

(1) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

(2) Shall be provided with the sidelights prescribed in paragraph (a)(2) of this section or the portable lanterns prescribed by Great Lakes Rule 8 (33 U.S.C. 257), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which the pilot vessel is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. The vessel shall also carry the stern light prescribed in paragraph (a)(2) of this section.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes.

(c) A pilot vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in paragraph (a)(1) and (3) or (b)(1) and (3) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in Great Lakes Rule 9 (33 U.S.C. 253).

(d) A pilot vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of the same length.

PART 95—PILOT RULES FOR WESTERN RIVERS

4. The Note immediately preceding § 95.51 and following the centerhead after § 95.45 entitled "Lights and Day Signals for Vessels, Dredges of All Types, and Vessels Workin on Wrecks and Obstructions, Etc." is deleted.

Effective date. March 29, 1974.

Dated: March 22, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 74-7288 Filed 3-28-74; 8:45 am]

[CGD 73-124 R]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Basin Point, Potts Harbor, Maine

This amendment to the Anchorage regulations is based on a notice of pro-

posed rulemaking published in the June 19, 1973, issue of the FEDERAL REGISTER (38 FR 15970). The amendment establishes a special anchorage area in the vicinity of Basin Point in Potts Harbor near South Harpswell, Maine. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

The establishment of a special anchorage area merely relaxes the lighting requirements of vessels at anchor, and does not impact on the use of the area in any other way.

Twelve comments were received as a result of the proposal. Eight of the comments expressed no objection to the proposal.

The United States Environmental Protection Agency, Boston, Massachusetts, recommended that the applicant be advised that he must conform at all times with applicable State and Federal Water Quality Standards. The Coast Guard issued a notice of proposed rulemaking on March 1, 1974 (39 FR 8038) concerning rules governing the design, construction, installation, and operation of marine sanitation devices. Comments were requested to be submitted prior to May 14, 1974. Under section 312 of the Federal Water Pollution Control Act (FWPCA), the Environmental Protection Agency (EPA) has promulgated Federal standards of performance for marine sanitation devices, which are required by the Act to be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels, except vessels not equipped with installed toilet facilities.

Another comment was received objecting to the proposal on the grounds that more boats in the area would mean more pollution and more gas and oil spilled. The requirement of the Marine Sanitation Devices will overcome the pollution problem. There is a federal law which prohibits the discharge of gas and oil into the navigable waters of the United States.

The State of Maine, Department of Inland Fisheries and Game voiced no objection to the proposal provided no dredging is conducted. Any dredging planned in the area would require the approval of the Corps of Engineers and require an Environmental Impact Statement.

One person questioned the description of the anchorage and also suggested that opinions of the property owners in the vicinity of the special anchorage area be obtained. The individual also stated that he was not in favor of having a marina controlling waters beyond its land boundaries. The Commander, First Coast Guard District replied to the commenter explaining the description of the proposed anchorage area. The individual was further advised that the local control and administration of the anchorage would lie with the town of Harpswell Harbor Master and not with the local marina.

With respect to the opinions of local property owners, the Commander, First

Coast Guard District, has on file letters from 5 shoreline residents of the proposed anchorage area who do not express any dissatisfaction with the proposal provided their rights as property owners are protected.

In consideration of the foregoing, the proposed amendment is adopted without change, and is set forth below.

Effective date. This amendment is effective April 30, 1974.

Dated: March 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

Part 110 of title 33 of the Code of Federal Regulations is amended by adding a new § 110.5(c-1) to read as follows:

§ 110.5 Casco Bay, Maine.

(c-1) *Basin Point, Potts Harbor, east side of Basin Point.*—The water area east of Basin Point enclosed by a line beginning at the southernmost extremity of Basin Point at latitude 43°44'17" N., longitude 70°02'36" W.; thence easterly to latitude 43°44'17" N., longitude 70°02'10" W.; thence north northeasterly to a point on the shoreline at latitude 43°44'43" N., longitude 70°02'05" W.; thence following the shoreline to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended; sec. 6(g) (1) (B), 30 Stat. 937 (33 U.S.C. 180), (49 U.S.C. 1635(g) (1) (B)), 49 CFR 1.46(c) (2).)

[FR Doc.74-7283 Filed 3-28-74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE,
DEPARTMENT OF AGRICULTURE

PART 292—NATIONAL RECREATION AREAS

Subpart C—Sawtooth National Recreation Area—Private Lands

Proposed regulation was published in the FEDERAL REGISTER on May 25, 1973 (38 FR 13754), to add a new Subpart C to Part 292, Chapter II, Title 36, Code of Federal Regulations, concerning private lands within the Sawtooth National Recreation Area.

Interested persons were given the opportunity to participate in the rulemaking through the submission of comments. Comments were received from governmental agencies (national, State, and local), organizations, companies, and formal groups as well as many private landowners and individuals. The majority of the respondents expressed concern about existing private land uses that were in conflict with various portions of the proposed regulations and suggested numerous changes.

Several respondents felt definitions for designated communities and private property should be more specific to allow a better understanding of these classifications in the recreation area. The definition for a designated community

was clarified to indicate that these areas are classified and shown on the Land Use Category Map dated December 15, 1973. The definition of private property was revised to specifically exclude unpatented mining claims. Many respondents felt the proposed private land classifications were too arbitrary and difficult to understand. The residential classifications (R-1, R-5, and R-10) have been eliminated and a single residential classification established for existing or future subdivision development outside designated communities. Some respondents felt the mineral classification was difficult to understand. Since mineral activity can occur in any one of the four land classifications, subject to certification, the mineral classification was not changed.

Many comments were received to include Obsidian and Sawtooth City as designated communities. Sawtooth City has been added as a designated community because the visual impact of this development can be controlled. Obsidian was not included as a designated community due to critical visual conflicts. A provision was added in the regulations to allow a phasing out period for existing, nonconforming uses in Obsidian and other locations in the recreation area to reduce the personal hardship. The area immediately east of U.S. Highway 93, in the vicinity of Obsidian, is classified to allow continuance of commercial and residential developments with some modifications.

A few respondents expressed a desire to have a committee formed to review and/or approve certification by the Area Ranger. Since the Secretary of Agriculture is directed to administer the recreation area, and appeal provisions are afforded to the Chief of the Forest Service for any landowner affected by a decision of the Area Ranger, provisions for such a committee were not provided.

Some respondents felt a time period should be established requiring the action of the Area Ranger on requests for certification. A 45-day period was established within which the Area Ranger will notify the applicant of his decision and/or need for additional information.

Some respondents suggested that provision for land exchanges be made to relocate nonconforming or conflicting uses. Some suitable lands in the National Recreation Area will be identified and classified in the general overall plan that will solve some problem conflicts. Federal lands located in or adjacent to designated communities will be considered for exchange only after acceptable community development plans and ordinances have been implemented.

Some landowners commented that specific standards were needed in the designated communities. Specific standards have been included for designated communities. In addition, the framework is provided for the preparation of acceptable community development plans and implementation of ordinances to assure proper use and development. The community development plan and ordi-

nances, when approved, will replace the present standards.

Some respondents were in favor of the proposed regulations and expressed their support in adoption and implementation.

Part 292 is revised by adoption of the proposed Subpart C, as changed to read as follows:

Subpart C—Sawtooth National Recreation Area—Private Lands

Sec.

292.14 Introduction.

292.15 General provisions—procedures.

292.16 Standards.

AUTHORITY: Provisions of section 4(a), Act of August 22, 1972 (86 Stat. 613).

Subpart C—Sawtooth National Recreation Area—Private Lands

§ 292.14 Introduction.

(a) *Purpose.* In accordance with the provisions of the Act establishing the Sawtooth National Recreation Area (86 Stat. 612), the regulations of this subpart establish standards for the use, subdivision and development of privately owned property within the boundaries of the Sawtooth National Recreation Area. The standards are in furtherance of the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values of the Recreation Area. Unless, in the judgment of the Secretary, such property is being used, or is in imminent danger of being used, in a manner incompatible with such standards, the property or any interest therein may not be acquired by condemnation. However, private land or an interest therein, determined to be necessary for access to and utilization of public property, and for recreation and other facilities, may be condemned without regard to this restriction, subject however, to the limitation in § 292.15(j).

(b) *Amendment of regulations.* Amendments to these regulations shall be made in accordance with the Administrative Procedures Act (60 Stat. 238, 5 U.S.C. 553), including the publishing of the amendments as a notice of proposed rulemaking with final adoption after interested persons have been given an opportunity to participate in the rulemaking through submission of comments.

(c) *Definitions.*—(1) *Cluster-type development.* Planned unit development which allows flexibility in neighborhood and subdivision lot design by dedicating or reserving the land so saved to open space.

(2) *Community development plan.* A narrative plan with maps which sets forth specific standards for desirable development of a community.

(3) *Designated community.* A populated area divided into lots, blocks and streets as platted and recorded in the official records of the county, containing residences and commercial establishments providing goods and services and retaining the atmosphere of a western frontier ranch-type town and so classified in § 292.15(a).

(4) *Dude ranching.* Development oriented to furnish an outdoor recreational or educational experience related to ranching. Facility development is compatible with the pastoral environment, rustic in nature and harmoniously colored.

(5) *Mineral operations.* All functions, work and activities in connection with exploration, development, mining or processing of mineral resources except prospecting which will not cause significant surface disturbance and will not involve removal of more than a reasonable amount of mineral deposit for analysis and study.

(6) *Private property.* Lands or interests in lands not owned by Federal, State, or local governments but not including unpatented mining claims.

(7) *Ranch-type character.* A low profile, rambling, well-proportioned, rustic appearing, rough-sawn wood or wood and stone structure or group of structures harmoniously situated within a natural environment.

(8) *Residential outbuilding.* Nonhabitable building detached from the residence, such as a garage, woodshed or storage building.

(9) *Secretary.* Secretary of Agriculture.

(10) *Area Ranger.* The Forest Officer having administrative authority for the Sawtooth National Recreation Area.

§ 292.15 General provisions—procedures.

(a) *Classification of private property.* For the purpose of establishing specific standards applicable to the several parcels of private land within the boundaries, such properties are classified and assigned to land use categories as shown on the Land Use Category Map, dated December 15, 1973, on file and available for public inspection in the office of the Area Ranger, Sawtooth National Recreation Area, Ketchum, Idaho. The classification of private properties is based on evaluation of scenic, natural, historic, pastoral, wildlife, and other values.

(b) *Land use categories.* Land use categories shown on the map referred to in paragraph (a) of this section are:

(1) *Designated community.* All properties inside a designated community.

(2) *Residential.* Areas for residential development outside designated communities.

(3) *Commercial.* Areas for commercial development outside designated communities.

(4) *Agriculture.* All properties outside designated communities not placed in a residential or commercial land use category.

(5) *Mineral.* Any areas in the land use in subparagraphs (1) through (4) of this paragraph, used for mineral operations.

(c) *Changes in classification.* The Secretary may make changes in the classification of private lands set forth in paragraph (a) of this section by incorporating such changes in an amendment of these regulations.

(d) *Certification of compliance with standards—(1) Present use.* Any owner

of property may request in writing the Area Ranger to examine the present use of the property and issue a certification that such present use conforms to the applicable standards established in § 292.16 for the land use category in which the property is placed. If after examination the Area Ranger determines that the present use of the property does so conform, he will issue a certification to this effect.

(2) *Planned development or change in use.* Any owner of property who proposes to change the use or develop his property for other than agricultural use may submit to the Area Ranger a use or development plan setting forth the manner in which and the time by which the property is to be developed and the use to which the property is to be put. If the Area Ranger determines that the development and use plan conforms to the applicable standards established in § 292.16 for the land use category in which the property is placed, he will issue a certification to this effect.

(3) *Notification of action.* Within 45 days after receipt of request for certification, the Area Ranger shall:

(i) Issue the certification.

(ii) Notify applicant that additional information is needed before action can be taken on the application.

(iii) Notify applicant that certification is denied, and reasons for denial.

(iv) Notify applicant that action on the request is deferred for a specified period of time for stated reasons.

(e) *Qualified certifications.* (1) Any owner of a property classified residential or commercial under paragraph (a) of this section which had been improved and was being used for residential or commercial purposes on the effective date of these regulations, but which does not conform to the standards established for properties in the land use category in which the property is placed may nevertheless be issued a certification for period not to exceed 10 years so that the improvements may be made to conform to the standards. Such certification shall specify that it is only effective so long as the property is not subdivided, and is not further improved and the improvements existing on the effective date of these regulations, are not reconstructed, altered or relocated, except to meet standards. The certification shall specify the date on which it shall terminate.

(2) If the Area Ranger determines, prior to certification, that a part or all of a property, for which a request for certification is made, is needed for access to and utilization of public property or for recreation and other facilities, he may except from the certification that part of the property needed for these purposes.

(f) *Revocation of certification.* The Area Ranger will revoke a certification when he finds that the property is being used or developed not in conformance with the terms of the certification or the applicable standards established in § 292.16 or is in imminent danger of being so used or developed. Notice of such

revocation will be in writing and delivered to the owner in person or by certified mail. A partial revocation may be made when a portion of a property covered by a certification is determined to be needed for access to and utilization of public property or for recreation and other facilities.

(g) *Effect of certification.* Property for which a certification is held by the owner shall not be acquired by the Secretary by condemnation.

(h) *Effect of noncompliance with standards.* Property for which a determination has been made that it is being used or developed not in conformance with the applicable standards established in § 292.16 for the land use category in which the property is placed may be acquired by the Secretary by condemnation.

(i) *Acquisition by negotiated purchase.*

(1) Any privately owned land or interest in land determined by the Secretary to be needed in furtherance of the objectives and purposes for which the Sawtooth National Recreation Area was established may be acquired by negotiated purchase subject only to the limitation in paragraph (j) of this section.

(2) Property which has been developed for use prior to the effective date of these regulations, but which is not in conformance with applicable standards may be acquired by the Secretary through negotiated purchase and the Secretary may permit the owners, their successors or assigns to retain a right of use and occupancy of the improved property for a definite term not beyond December 31, 1988.

(j) *Limitation on acquisitions.* Acquisitions of lands or interests therein for access to and utilization of public property and for recreation and other facilities shall not exceed 5 percent of the total acreage of all private property within the Sawtooth National Recreation Area on August 22, 1972. A land acquisition plan shall be prepared by the Area Ranger and approved by the Regional Forester showing those properties needed for access to and utilization of public property or for recreation and other facilities. Said plan may be revised from time to time upon approval by the Regional Forester. Said plan shall be available for inspection by the public in the office of the Area Ranger.

(k) *Land exchanges.* Some parcels of Federal lands within the Sawtooth National Recreation Area are classified or may be subsequently classified in the overall general plan for the Recreation Area as suitable for selection through land exchange. Using existing land exchange authorities, these Federal lands may be made available for selection by parties owning land within the boundaries of the National Recreation Area to resolve some existing or potential land use conflicts. The values of the properties so exchanged shall be approximately equal, or, if they are not approximately equal, they shall be equalized by the payment of cash. Federal lands which may be located within the boundaries of designated communities will be considered

for exchange only after acceptable community development plans and ordinances have been implemented.

(1) *Appeals.* (1) Any landowner who is adversely affected by a decision of the Area Ranger under these regulations may take an appeal to the Chief, Forest Service, by filing with the Area Ranger within 30 days a written notice of appeal and a written statement setting forth the reasons why the decision is contrary to, or in conflict with the facts, the law or these regulations; except a denial of a land exchange application is not appealable. Review and decision on the appeal shall be by the Chief or his designated representative: *Provided, however,* That if more than 45 days are required for a decision after receiving the notice of appeal and statement of reasons, the Chief or his designated representative shall notify the landowner and specify the reasons for the delay.

(2) Any landowner who is adversely affected by the decision of the Chief or his designated representative may take an appeal to the Secretary by filing with the Chief, within 30 days after such decision is made, a written notice of appeal and a written statement setting forth the reasons why the decision appealed from is contrary to, or in conflict with the facts, the law or these regulations. Upon receipt of the notice and statement the Chief shall prepare his own statement setting forth the facts and circumstances upon which his decision was based and shall transmit the record to the Secretary for his decision.

(m) *Judicial review.* The United States District Court for the District of Idaho shall have jurisdiction to review these regulations upon a complaint filed within 6 months after the effective date of these regulations, by any affected landowner in an action for a declaratory judgment as provided in the Act of August 22, 1972 (86 Stat. 612), section 4 (a).

§ 292.16 Standards.

The standards established in these regulations are in furtherance of the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreation values of the Recreation Area.

(a) *Applicability.* The standards set forth in this section for each land use category shall apply to the private land in each such land use category as classified by the Secretary in accordance with § 292.15.

(b) *Changes in standards.* Changes in and addition to the standards may be made from time to time through amendment of these regulations.

(c) *General standards.* The following standards apply to properties in all land use categories.

(1) Use and development of the property will be in conformance with applicable Federal, State, and local laws, regulations and ordinances.

(2) Development, improvement and use of the property will not materially detract from the scenic, natural, historic,

pastoral, and fish and wildlife values of the area.

(3) There will be adequate provision for disposal of solid and liquid waste originating on or resulting from use of the property.

(4) All new utilities will be underground.

(5) No structures or other improvements will be constructed in or encroaching upon streambeds, banks and flood plains of live or intermittent streams. Streambeds, banks, and flood plains will not be disturbed, except as may be necessary to construct, operate, and maintain irrigation, fisheries, utilities, roads, and similar facilities or improvements. Any such necessary encroachment will avoid impeding water flow, sedimentation of streams or entrance of deleterious material into streams.

(d) *Designated communities.* (1) The following standards are established until replaced as provided for in subparagraph (2) of this paragraph.

(i) No buildings or structures, or part thereof, erected, constructed, reconstructed, altered, moved, or used for any purpose, except in conformance with the standards established herein.

(ii) No excavation or topographic change, except that required for foundations, utilities, or roads, that would modify or change the scenic beauty of natural hillsides or mountain slope lands.

(iii) Minimum 100-foot frontage on new building sites.

(iv) All new buildings set in 10 feet from each side of property line.

(v) All new buildings set back 20 feet from front property line.

(vi) Only one single-family dwelling for each building site or lot.

(vii) No new building to exceed two stories in height as determined from ground level.

(viii) No building or structure erected with foundation pillars or stilts that exceeds 36 inches above ground level. Pillars or stilts if used, must be enclosed.

(ix) Minimum of 750 square feet for new residences.

(x) All new buildings constructed of logs, shakes, rough lumber, rough wood, and native stone.

(xi) Mobile or semimobile homes permitted only in existing mobile home parks.

(xii) Nonreflective roofs on new buildings.

(xiii) All new steps and walks constructed of wood.

(xiv) Paints or stains to be of earth tones common to the area.

(xv) All buildings and structures, including fences, to be maintained in a useable and serviceable condition or removed. Properties to be maintained in a clean and orderly condition.

(xvi) Existing plus new buildings or structures cannot occupy more than 30 percent of the land surface on a lot less than 20,000 square feet in area. On any lot larger than 20,000 square feet, existing plus new buildings cannot occupy more than 6,500 square feet. Existing properties exceeding this amount as of

the effective date of these regulations may not be further developed.

(xvii) The standards in subdivisions (v), (vi), (ix), and (xvi) of this subparagraph shall not apply to properties developed for commercial purposes.

(2) The Area Ranger shall cooperate with each designated community in the preparation of a community development plan and implementing ordinances which will assure that use and development of the private properties within the community will be consistent with the purposes for which the Sawtooth National Recreation Area was established and with the overall general plan of the Recreation Area. The Secretary may then, by amendment of these regulations, replace the standards adopted pursuant to subparagraph (1) of this paragraph with the standards set forth in such community development plan and implementing ordinances as the standards applicable to that designated community.

(e) *Residential.* (1) Vegetative cover and screening requirements. Any combination of vegetative screening, topography, and structure design that renders the residence inconspicuous and not obtrusive as seen from main travel routes.

(2) *Buildings.*

(i) Not more than one residence on each separately owned contiguous property as recorded in the records of the appropriate county on date of publication of these regulations.

(ii) Not more than two outbuildings with each residence. Aggregate square foot area of outbuildings not to exceed 400 square feet.

(iii) Dwelling size not less than 750 square feet of floor space.

(iv) Building architecture compatible with location and the pastoral environment, rustic in nature, harmoniously colored or natural wood finish or suitable wood substitutes, nonreflective roofs and sidings.

(v) Height of buildings to be in keeping with site characteristics and normally not exceeding on-site tree height, or 30 feet.

(vi) Sufficient setback of buildings from centerline of public roads for safety and unhampered traffic flow.

(vii) Minimum building setback from property line—10 feet.

(3) No excavation or topographic change except that required for buildings, roads, and utilities.

(4) Removal of live trees and other vegetation limited to that necessary to accommodate buildings and roads to allow installation of utilities.

(5) Roads designed, located, and constructed to minimize adverse esthetic impact and soil erosion.

(6) Owner identification and sale or rental signs not to exceed 2 square feet in size.

(7) Buildings and structures, including fences, to be maintained in a usable and serviceable condition or removed.

(8) No further reduction in size of residential ownerships except that which will not impair the objectives for which the

Sawtooth National Recreation Area was established. A certification will be issued pursuant to § 292.15(d) upon application in such cases.

(f) *Commercial.* (1) General. Service provided must serve a need which cannot readily or adequately be provided in a designated community, and must be compatible with the purposes for which the Sawtooth National Recreation Area was established.

(2) Buildings.

(1) Building architecture to be compatible with the pastoral environment, rustic in nature, harmoniously colored or natural wood finish or suitable wood substitutes, nonreflective roofs and sidings.

(ii) Building height to be in keeping with building size, scale, setback from roads and property boundaries, site size, setting, building design and type of use.

(iii) Sufficient setback of buildings from centerline of public roads for safety and unhampered traffic flow.

(3) Only signs identifying the commercial enterprise being conducted on the property. Signs not to exceed 20 square feet in area, 6 feet in length and 15 feet maximum height. Signs to be subdued in appearance and harmonizing in design and color with the surroundings. Signs not complying with the standard may be approved by certifications issued pursuant to § 292.15(d) in special cases.

(4) No flashing lights.

(5) No new mobile or semimobile homes and mobile home parks except where they may be located without substantially impairing or detracting from the scenic, natural, historic, pastoral, and fish and wildlife values of the area.

(g) *Agriculture.* (1) Only structures which do not substantially impair or detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area and which are necessary for ranching or dude ranching such as dwellings, barns, storage buildings, fences, corrals, irrigation facilities, roads, and utilities.

(2) Buildings to be ranch-type character with log or other rustic exterior with harmoniously colored or natural wood finish and nonreflective surfaces.

(3) Fences and other improvements to be in harmony with the western ranching atmosphere.

(4) Minimum setback of new buildings to be 150 feet from public roads where determined feasible by the Area Ranger.

(5) No further reduction in size of agricultural ownerships except that which will not impair the objectives for which the Sawtooth National Recreation Area was established. A certification will

be issued pursuant to § 292.15(d) upon application in such cases.

(6) No signs, billboards or advertising devices except a property identification sign and one sale or rental sign not to exceed 2 square feet in area, harmonious in design and color with the surroundings. Signs not complying with this standard may be approved by certifications issued pursuant to § 292.15(d) in special cases.

(7) Any tree removal and related slash disposal and soil erosion prevention measures to be conducted in a manner that will minimize detrimental effects to the site and adjoining lands.

(8) The general topography of the landscape to be unaltered except for incidental excavation or topographic change required by ranching activities.

(9) Structures and improvements, including fences, to be maintained in usable condition or removed. Those recognized as having historic or esthetic value may remain.

(10) Roads to be designed, located and constructed to minimize esthetic impact and soil movement.

(11) Agricultural practices to be limited to hay production and pasture and range grazing in a manner which does not degrade water quality or result in accelerated soil erosion.

(h) *Mineral operations.* The standards set forth in this paragraph shall apply to a private property or portion thereof in any land use category which is used for mineral operations. To aid in determining whether a planned mineral operation will conform to these standards, the owner of the property shall submit to the Area Ranger a proposed plan of operations. If the Area Ranger determines that the proposed operation conforms to the standards established herein he will approve the plan and such approval shall constitute the certification provided for in § 292.15(d).

(1) Operations will be confined to those locations where they may be conducted without substantially impairing or detracting from the scenic, natural, historic, pastoral, and fish and wildlife values of the area.

(2) The general standards set forth in paragraph (c) of this section shall apply to any mineral operations.

(3) The operations as described in the plan of operation and as they are carried out in accordance with the plan shall:

(i) Comply with Federal and State air and water quality and waste disposal standards.

(ii) Minimize adverse impacts on scenic values.

(iii) Provide for prompt stabilization and restoration of areas disturbed by the operations.

Effective date. These regulations take effect April 29, 1974.

Dated: March 25, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.74-7266 Filed 3-28-74; 8:45 am]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5418]

ALASKA

Amendment of Public Land Order No. 5180

By virtue of the authority vested in the President by the Act of June 25, 1910, as amended, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior by section 17(d) (1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1616 (d) (1), 1970 Supplement II (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, Public Land Order No. 5180, of March 9, 1972, as amended, 37 FR 5583-5584, withdrawing lands for classification and for protection of the public interest in lands, is hereby further amended to add the following described lands:

All unreserved public lands in Alaska, or those which may become unreserved unless specified by order at that time.

The lands described above aggregate approximately 15,300,000 acres.

2. While the lands described in paragraph 1 of this order remain withdrawn, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts, to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. It is hereby determined that the promulgation of this order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to

section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), is not required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 25, 1974.

[FR Doc.74-7261 Filed 3-28-74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

**Tawaukon National Wildlife Refuge,
N. Dak.**

The following special regulation is issued and is effective March 29, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tawaukon National Wildlife Refuge, Cayuga, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tawaukon, Mann Lake, and Sprague Lake, comprising 1,440 acres, and are shown on maps available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on Sprague Lake and Mann Lake extends from May 4, 1974, through September 30, 1974, daylight hours only.

(2) The open season for sport fishing on Lake Tawaukon extends from May 4, 1974, through November 15, 1974, daylight hours only.

(3) Fishing on Lake Tawaukon will be limited to certain designated shoreline areas from October 1, 1974, through November 15, 1974, and fishing from boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 15, 1974.

TYRUS W. BERRY,
Acting Refuge Manager.

MARCH 20, 1974.

[FR Doc.74-7259 Filed 3-28-74;8:45 am]

Title 6—Economic Stabilization

**CHAPTER I—COST OF LIVING COUNCIL
PART 150—COST OF LIVING COUNCIL
PHASE IV PRICE REGULATIONS**

**PART 152—COST OF LIVING COUNCIL
PHASE IV PAY REGULATIONS**

**Exemption of Anthracite, Bituminous Coal,
and Lignite**

The purpose of these amendments is to exempt prices charged for anthracite, bituminous coal, and lignite by firms

which manufacture those products, to add a further exemption for the prices charged by firms primarily engaged in providing mining services to the coal industry, and to add a parallel exemption to the Phase IV pay regulations.

The Council has determined that exemption of coal will encourage increased production to meet current energy problems, as the greatly increased world demand for coal has caused prices to rise and availability of supplies to decrease. Approximately 80 percent of coal sales are already exempt under § 150.54(n) which exempts sales of coal under long-term contracts to public utilities, under § 150.54(d) which exempts export prices, and § 150.60 which exempts firms with 60 or fewer employees. In addition, over 13 percent of the industry's production is accounted for by captive coal firms which are controlled by steel firms or electric utilities using the coal firms' products. Sales by these coal firms are generally intra-firm transfers and are not subject to direct price controls. Thus, average coal prices are not expected to be affected severely by this exemption. Most of the remaining 7 percent of coal sales are to steel mills, industrial establishments, and public utilities. The Council feels that this exemption should help to augment the domestic availability of coal by discouraging exports in the short run and by encouraging the opening of new mines which will increase production in the long run.

In return for decontrol the Council has received voluntary commitments from 10 of the leading bituminous coal producers (1) to increase bituminous coal production, (2) to request the Bituminous Coal Operators Association to begin negotiations on the present labor agreement which expires in November 1974, and (3) not to permit the weighted average price charged for coal to rise above \$30 a ton before November 12, 1974.

Therefore, in accordance with the Council's policy of removing controls selectively where conditions warrant, the Council is today exempting the prices charged for the following products by manufacturers of those products: anthracite, bituminous coal, and lignite as listed in the Standard Industrial Classification Manual, 1972 edition, Industry Nos. 1111 and 1211. As a corresponding action the Council is also exempting the prices charged by firms that provide anthracite, bituminous coal, and lignite mining services as listed in the Standard Industrial Classification Manual, 1972 edition, in Industry Numbers 1112 and 1213. This exemption is an expansion of the already existing exemption of sales of coal under long-term contracts to public utilities, § 150.54(n).

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless during its most recent fiscal year it derived both less than \$50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent

or more of its sales or revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the coal mining industry. The exemption is set forth in new § 152.39m. "Establishment in the coal mining industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group No. 11 (Anthracite Mining) or 12 (Bituminous Coal and Lignite Mining) and primarily engaged in mining or mining service activities classified under such Major Groups.

The exemption is inapplicable to any employee engaged in construction operations (within the meaning of § 152.102(f)), even if the employee works at an establishment classified under Major Group 11 or 12. This limitation on the exemption is necessary because the Council and the Construction Industry Stabilization Committee exercise mandatory control jurisdiction over pay adjustments in the construction industry and it would be inappropriate at this time to exempt construction pay adjustments.

The exemption is inapplicable to any employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the coal mining industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another industry exempted under Subpart D of Part 152. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In cases of uncertainty of application, particularly with respect to mining activities that may be related to construction, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to these amendments remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by these exemptions alleged to be in violation of stabilization rules in effect prior to these exemptions is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial

orders requiring rollbacks or refunds, and possible penalty of \$2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the authority, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rulemaking 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 this amendment. Communications should be addressed to the Office of 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 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 27, 1974.

Issued in Washington, D.C., on March 27, 1974.

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

1. In 6 CFR Part 150, § 150.54(n) is amended to read as follows:

§ 150.54 Certain price adjustments.

(n) *Anthracite, bituminous coal, and lignite.* Prices charged by firms engaged in providing anthracite, bituminous coal, and lignite mining services and firms engaged in the manufacturing of anthracite, bituminous coal, and lignite are exempt if those activities are within the scope of Major Groups 11 or 12 of the Standard Industrial Classification Manual, 1972 edition.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39m to read as follows:

§ 152.39m Coal mining industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the coal mining industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the coal mining industry.* For purposes of this section, "Establishment in the coal mining industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group No. 11 (Anthracite Mining) or 12 (Bituminous Coal and Lignite Mining) and primarily engaged in mining or mining service activities classified under such Major Group.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the coal mining industry or in support of such operation only if such employee is employed at an establishment in the coal mining industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee engaged in construction operations (within the meaning of § 152.102(f)).

(2) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, § 152.125, or § 152.126.

(3) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(4) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the coal mining industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the coal mining industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment exempted under this subject, or in the operation of an establishment in the coal mining industry or in support of such operation within the meaning of paragraph (c) of this section.

(5) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under this subpart.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 27, 1974.

[FR Doc.74-7430 Filed 3-27-74; 4:47 pm]

PART 155—PHASE IV PRICE PROCEDURAL REGULATIONS

Exceptions and Compliance Procedures

The purpose of this amendment is to further provide for the effective and orderly administration of compliance matters by precluding consideration of exceptions requests in cases which

would more appropriately be resolved through compromise of civil penalties.

The Cost of Living Council recently took several steps to simplify and otherwise improve its procedural regulations in order to more effectively resolve compliance matters. Among other actions, the Council delegated full authority to the Internal Revenue Service to resolve price violations cases through the compromise of civil penalties procedures and to dispose of Phase I, II and III price violations matters through the use of the Phase IV price procedural regulations.

The present amendment is intended to further improve the Phase IV compliance effort by cutting off consideration of exception requests in those cases where the firm concerned has already violated the regulation from which an exception is sought and compliance actions have been initiated by the Council or the IRS. The Council believes that too much delay has been encountered in resolving violations cases where requests for retroactive exceptions have been permitted and that any mitigating factors such as inequity or hardship which the firm in violation may wish to assert are more properly raised under the compromise of civil penalties procedures.

Heretofore, a firm which violated a price rule (such as charging a price in excess of the freeze price or exceeding the profit margin limitation) was permitted after receiving a remedial order to file a request for exception from the regulation concerned. If the exception was granted, the effect was to retroactively nullify the violation and to revoke the remedial order. If the exception was denied the firm could seek reconsideration. If the relief requested was ultimately denied upon reconsideration the Council would resume its compliance effort through reactivation of the remedial order. However, review of such cases through the exceptions channels has unnecessarily burdened the Council's staff and in some cases as much as one year has elapsed before ultimate resolution of the matter.

Furthermore, review of the matter through the exceptions procedures appears inappropriate from other considerations. Based on experience to date in Phase IV, the Council believes that the practice of retroactively excusing violations through the exceptions procedures does not advance the goals of the Economic Stabilization Program. Instead, it tends to encourage non-compliance and is unfair to firms which are similarly situated but which faithfully adhere to the regulations for their duration or which, while complying with the regulations, seek exceptions prospectively.

Finally, this amendment will permit the Council to work more rapidly toward completion of pending exceptions cases which are unaffected by this amendment. At the same time this amendment will permit the IRS to more promptly dispose of pending violations cases. The amendment therefore is expected to significantly aid in the effort to complete action on exceptions and compliance matters remaining in Phase IV.

While now denied the possibility of relief through the exceptions procedures, a firm in violation may nevertheless obtain substantial relief, if merited, through compromise procedures. For example, a firm which received a remedial order to remit all revenues derived from charging prices in violation of the freeze regulations may request that due to inability to pay the amount involved or other extenuating circumstances the penalty be reduced to an appropriate amount to be mutually agreed in accordance with the compromise of civil penalties procedures. Under this method of disposition of the case, the payment of a civil penalty serves to strengthen the Council's compliance efforts by deterring unlawful pricing behavior while at the same time substantial relief is afforded in meritorious cases.

This amendment applies to profit margin violations as well as to more specific pricing violations. As a general rule, the fact that a profit margin violation was not realized or discovered until the financial statements for the fiscal year concerned were prepared does not excuse the violation. Most firms check profit margin compliance on a quarterly basis and a firm which has triggered the profit margin limitation by raising prices bears the affirmative responsibility to set prices at levels which will avoid a profit margin violation. If a violation is discovered by the IRS or the Council, it is too late to seek an exception to adjust the base period profit margin in order to avoid the violation for the fiscal year concerned. However, an exception with respect to the base period may be sought with respect to future profit margin compliance. In addition, any mitigating factors with respect to the profit margin violation for the year concerned may be raised under the appropriate violations procedures including compromise of civil penalties.

To carry out the Council's intent in this matter, a sentence is added to § 155.41 which provides that when a firm comes under investigation or receives a notice of probable violation or a remedial order it no longer qualifies to seek an exception which would nullify a violation covered by that investigation, notice or order. Pending exceptions requests affected by this amendment will be dismissed with notification to both the applicant and the IRS compliance division. However, any request for reconsideration which relates to an exception which was denied in whole or in part prior to the effective date of this amendment remains unaffected by this amendment and will continue to be processed.

Because the purpose of this amendment is to provide immediate guidance with respect to 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 this amendment

effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of 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, Part 155 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective March 27, 1974.

Issued in Washington, D.C., on March 27, 1974.

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

The first paragraph of § 155.41 is amended to read as follows:

§ 155.41 Purpose and scope.

Exceptions from the provisions of Part 150 of this title may be granted for the purpose of preventing or correcting a serious hardship or gross inequity. However, a person who has violated the regulation with respect to which an exception is sought and who in connection with that matter is under investigation or has received a notice of probable violation or remedial order shall not qualify to obtain an exception which would nullify that violation in whole or in part.

[FR Doc. 74-7393 Filed 3-27-74; 2:46 pm]

PART 150—PHASE IV PRICE REGULATIONS

**PART 152—PHASE IV PAY REGULATIONS
Exemption of Aluminum Production and Certain Aluminum Products**

The purpose of these amendments is to exempt under the Phase IV price regulations the sale by producers, manufacturers and wholesalers of aluminum ores, alumina, aluminum ingot, basic shapes, castings, forgings and most aluminum products and to add a parallel exemption under the Phase IV pay regulations.

The Cost of Living Council has not permitted prices for aluminum and copper to rise in accordance with the general cost-justification and prenotification procedures in Phase IV. Instead, the Council has permitted price increases only upon special periodic review of prices and costs in these industries. In December 1973, the Council promulgated a special rule (§ 150.208) which permitted an upward adjustment in base prices to the level of May 1970. In explaining this action, the Council stated that proposed price increases above those levels would be held in abeyance pending a further review of these industries in March 1974.

Having now completed its review of current costs and prices in the aluminum industry, the Council has concluded that it is appropriate to extend price and pay exemption to this industry at this time. An exemption with respect to all non-ferrous metals except aluminum and copper was previously granted, and the Council has not yet completed its review of costs and prices in the copper industry.

The Council has determined that price controls have contributed to the establishment of a two-tier pricing structure, in which the foreign and domestic spot price for aluminum ingot is approximately $\frac{1}{3}$ higher than the price which domestic producers are able to charge. This situation has led to two undesirable developments. First, there is increased incentive to export metal for which strong demand is present in the U.S. Second, the smaller nonintegrated manufacturers of aluminum products, who make up about 20 percent of the market and who must buy a significant portion of their raw material needs (aluminum ingot or billet) from the foreign or domestic spot market, are unable to purchase metal at a price which would allow them to meet domestic competitive prices for finished products. It is anticipated that several plants of small nonintegrated firms will close within the next few weeks due to unavailability of billet unless these firms are permitted to charge prices for their products which more nearly reflect foreign and domestic spot metal prices.

In addition, industry production is now close to 100 percent capacity, due to increased worldwide demand. It is expected that decontrol will spur plans for the increased capacity which will be necessary to meet future domestic and foreign aluminum needs.

Finally, the Council has obtained individual and voluntary commitments for price restraint from four leading aluminum producers in return for decontrol at this time. First, the firms have separately committed to price ceilings for 99.5 percent primary aluminum ingot, the primary raw material for fabricated aluminum products. Compared with a current price under controls of 29 cents per pound and a current world price of about 34 cents to 35 cents and a spot price of over 40 cents per pound, the committing firms have agreed to charge no more than 31.5 cents through June 1 and no more than 33.5 cents per pound through August 1, 1974. Second, prices which may be charged for other primary basic shapes during these periods must not exceed price levels which reflect the established market relationships between 99.5 percent primary aluminum ingot and those other primary basic shapes. Third, through August 1, 1974, the historic rate of sales of primary aluminum basic shapes to unrelated domestic non-integrated firms will be maintained in order to avoid market distortions. This applies only to sales not covered by existing contractual agreements.

Under these amendments, prices charged for aluminum ores (including bauxite), alumina, aluminum ingot, basic shapes and all other aluminum products at the manufacturing and wholesaling level are exempt as long as the product contains more than 50 percent by value of aluminum, aluminum alloy and other price-exempt metal. The exemption does not extend, however, to the sale of metal cans (SIC 3411) or automotive stampings (SIC 3465) which contain aluminum or aluminum alloy, or to the sale of chemicals (other than alumina) which contain aluminum. The aluminum products covered by this exemption are listed in Industry No. 1051 and in Major Groups 33 and 34 of the Standard Industrial Classification Manual, 1972 edition. The exemption of products under Major Group 33 includes, but is not limited to, the products listed under Industry Nos. 3334, 3353, 3354, 3355 and 3361. Although some of the aluminum products within Major Group 33 are listed under Industry Nos. 3341, 3357, 3398, and 3399, other products listed under those Industry Nos. are not exempted by these amendments. For example, "nonferrous insulated wire", listed under SIC Industry No. 3357, is not exempt under these amendments if it is copper wire or otherwise does not meet the content test stated above. The same consideration apply to the exemptions under Major Group 34.

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless during its most recent fiscal year it derived both less than \$50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales or revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the aluminum industry. The exemption is set forth in new § 152.39n. "Establishment in the aluminum industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group Number 33 or 34, and primarily engaged in the manufacturing or processing of items whose raw material content is, by value, greater than 50 percent aluminum or aluminum alloy or other price-exempt metal. The definition also includes an establishment engaged in the wholesaling of the aforementioned items, a manufacturer of alumina, and an establishment engaged in the mining of bauxite and other aluminum ores (SIC Industry Number 1051).

The definition expressly excludes manufacturers of aluminum containers classified under Industry Number 3411, and establishments engaged in the manufacture of automotive stampings, classified under Industry Number 3465.

The exemption is inapplicable to any employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the aluminum industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another industry exempted under Subpart D of Part 152. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to these amendments remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by these exemptions alleged to be in violation of stabilization rules in effect prior to these exemptions is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of \$2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the authority, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, 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 this amendment. Communications should be addressed to the Office of 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 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 28, 1974.

Issued in Washington, D.C., on March 28, 1974.

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

1. In Part 150, a new paragraph (k) is added to § 150.58 to read as follows:

§ 150.58 Additional price adjustments.

(k) *Aluminum Production and Certain Aluminum Products.*

The prices which manufacturers, producers, providers and wholesalers of the following aluminum ores, products, and services charge for those ores, products and services are exempt: the aluminum ores, products, and services listed in the SIC Manual, 1972 edition, under Industry No. 1051, Major Groups 33 and 34 (except Industry Nos. 3411 and 3465), and alumina. The exemption provided in the preceding sentence applies only to those products (other than aluminum ore and alumina) whose raw material content by value is greater than 50 percent aluminum, aluminum alloy, and other price-exempt metal. The exemption of products under Major Group 33 includes, but is not limited to, the products listed under Industry Nos. 3334, 3353, 3354, 3355, and 3361.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39n to read as follows:

§ 152.39n Aluminum industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the aluminum industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the aluminum industry.* For purposes of this section, "Establishment in the aluminum industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group Number 33 (Primary Metal Industries) or 34 (Fabricated Metal Products, Except Machinery and Transportation Equipment), and primarily engaged in the activities classified under such

Numbers with respect to items whose raw material content is, by value, greater than 50 percent aluminum or aluminum alloy or other price-exempt metal. The term also means an establishment primarily engaged in the wholesaling of the aforementioned items, an establishment classified under Industry Number 1051 (Bauxite and Other Aluminum Ores) primarily engaged in the mining of such ores, and an establishment primarily engaged in the manufacture of alumina. Notwithstanding the provisions of the first sentence of this paragraph, the term does not mean an establishment primarily engaged in the manufacture of metal cans made of aluminum alloy and classified under Industry Number 3411 (Metal Cans) or primarily engaged in the manufacture of automotive stampings and classified under Industry Number 3465 (Automotive Stampings).

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the aluminum industry or in support of such operation only if such employee is employed at an establishment in the aluminum industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130 of this chapter).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the aluminum industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the aluminum industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart or in the operation of an establishment in the aluminum industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 28, 1974.

[FR Doc. 74-7446 Filed 3-28-74; 8:55 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-74-235]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Factory Inspection of Mobile Homes

On September 4, 1973 a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23803) by the Department of Housing and Urban Development proposing a new system for third party factory inspection of mobile homes financed with loans insured under this part.

Interested persons were given 30 days in which to submit written comments or suggestions. Comments and suggestions were received from trade associations, state agencies, mobile home manufacturers, testing laboratories, and other interested parties.

Comments germane to the proposal were favorable. Some respondents suggested clarification and improvements in the text.

Suggestions that have been adopted are as follows:

(1) In § 201.520, *Structural design and standards*, paragraph (b) has been amended to provide that compliance with specifications in effect at the time the home is manufactured is required, rather than compliance at the time the loan is made. This change is made by reason of the fact that at the time the loan is made the standards may have been changed from those in effect at the time the home was manufactured.

(2) The text of paragraph (b) of § 210.520 and the text of § 210.510 have also been amended to provide that the home shall bear the "label or seal" of the approved inspection agency.

Several respondents expressed doubts as to the requirements that the Secretary may set for approval of testing laboratories, the adequacy of the approval procedures of state agencies, and the effect that the Secretary's proposal may have on existing state requirements.

The regulation requires that as a condition of application for approval by the Commissioner a testing laboratory must be either an agency of a state, or if a private testing laboratory, have been approved by at least two states. Private testing laboratories meeting this condition would still be required to obtain approval of the Commissioner.

Testing laboratories would be required to meet all applicable state or local requirements and the Secretary's requirements would not preempt such requirements, or otherwise affect or modify these requirements.

A respondent suggested that there should be collaboration with the Veterans Administration on inspection procedures. Since inspection by the Veterans Administration of mobile home manufacturers is done by government employees rather than by "third parties", collaboration on this question would not be pertinent.

A respondent expressed concern that there might be a duplication of inspection of appliances that had been previously inspected and "labeled" or "listed" by an inspection organization.

Inspection under these regulations is confined to compliance with ANSI standards. ANSI standards provide for acceptance of "listed" or "labeled" products and therefore no re-inspection of "labeled" or "listed" appliances would be called for.

It was suggested § 201.521 be amended to substitute the term "testing program" for "quality control program". This change was not made as the term "quality control program" is most descriptive of the objective of this rule.

A respondent suggested that the requirement that inspection agencies be "independent" be omitted. Another respondent suggested that "independent" be defined in terms of financial strength and other criteria. These suggestions were not accepted. While some hardship may result, the requirement that an inspection agency be independent appears to be necessary to avoid real or apparent conflicts of interest. Measuring a testing agency's qualification in terms of its financial strength would appear not to be a clearly relevant criterion.

1. Accordingly, § 201.520(b) is amended to read as follows:

§ 201.520 *Structural design and standards.*

(b) *ANSI criteria.* The requirement of paragraph (b) of this section may be satisfied by compliance with the specifications in effect at the time the home is manufactured, which are prescribed in mobile home standard No. A119.1, as approved by the American National Standards Institute (formerly the United States of America Standards Institute), hereinafter referred to as "ANSI." A certification shall be obtained from the manufacturer stating that the mobile home was constructed in accordance with the ANSI requirements and that the home bears the label or seal of an independent inspecting agency certifying that the mobile home was constructed in accordance with the ANSI requirements.

2. A new § 201.521 is proposed to read as follows:

§ 201.521 *Factory inspection.*

The home shall display a seal or label certifying that it has been subject to representative inspections in accordance with a quality control program approved

by the Commissioner and is in compliance with the requirements of § 201.520. Inspections shall be made by a testing agency or organization approved by the Commissioner.

3. A new § 201.522 is proposed to read as follows:

§ 201.522 Private testing organization.

A private testing organization which applies for approval by the Commissioner, shall establish that it has been approved by at least two official state agencies to inspect and certify mobile

homes and that it is actively engaged in the inspection and certification of mobile homes.

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703))

Effective date. This amendment is effective April 29, 1974.

SHELDON B. LUBAR,
Assistant Secretary of Housing
Production and Mortgage
Credit, FHA Commissioner.

[FR Doc.74-7331 Filed 3-28-74;8:45 am]

Proposed Rules

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

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Parts 1301, 1304, 1305]

ETORPHINE HYDROCHLORIDE AND DIPRENORPHINE

Proposed Controls

The Drug Enforcement Administration on November 23, 1973, published a notice in the FEDERAL REGISTER (38 FR 32262) proposing the transfer of etorphine hydrochloride from Schedule I to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 et seq.). A final notice transferring etorphine hydrochloride to Schedule II is published this date in the FEDERAL REGISTER.

Etorphine hydrochloride is a derivative of the opium alkaloid Thebaine. It is a morphine-like agent with an analgesic potency, depending on test methods, that is 80 to 1,000 times greater than morphine. Because of its ability to produce narcosis at very low doses, etorphine hydrochloride has been approved by the Food and Drug Administration for the immobilization of wild and exotic animals (38 FR 15050).

Diprenorphine, a Schedule II controlled substance, is the only effective antidote to reverse the state of narcosis produced by etorphine hydrochloride. Diprenorphine has been approved by the Food and Drug Administration as an etorphine hydrochloride antagonist. (38 FR 15050.)

Due to the high potential for abuse of these substances with their limited medical uses and ability to produce severe psychological and physical dependence, the Drug Enforcement Administration, in concert with the Special Action Office of Drug Abuse Prevention and the Food and Drug Administration promulgated and agreed to specific procedures relating to their distribution. The American Cyanamid Co. (the holder of the New Animal Drug Application) and the D-M Pharmaceuticals Inc. (the firm marketing the product under the New Animal Drug Application) have agreed to abide by the following procedures to ensure against the abuse, diversion or misuse of these substances:

1. The distribution of etorphine hydrochloride and diprenorphine is restricted to licensed veterinarians engaged in zoo and exotic animal practice, wildlife management programs, and/or research. Only veterinarians who are directly engaged in zoo and exotic animal practice, wildlife management programs, and/or research may obtain etorphine hydrochloride or diprenorphine. These substances will not be available to other

practicing veterinarians or other practitioners (except for authorized researchers). The Food and Drug Administration has restricted the use of etorphine hydrochloride and diprenorphine by or on the order of a licensed veterinarian. The Drug Enforcement Administration shall transmit additional information to the Food and Drug Administration indicating its willingness to permit other qualified persons to use these substances if the Food and Drug Administration deems it proper and changes the labelling of the substances.

2. In order to provide maximum security in the distribution, storage and use of etorphine hydrochloride and diprenorphine, all registrants submitting order forms for these substances will be checked by the Drug Enforcement Administration to ensure that they are properly authorized to handle these substances and are prepared to adhere to the special safeguards set forth in the regulations. [An amendment to § 1301.74 (g) to implement this requirement is proposed below.]

3. Registrants handling etorphine hydrochloride or diprenorphine shall be required to store these substances in a safe or steel cabinet equivalent to a United States Government Class V security container. The storage of these substances will be limited to reasonable quantities to avoid increased vulnerability to theft. [An amendment to § 1301.75(d) of the regulations to implement this requirement is proposed below.]

4. The order forms submitted by registrants desiring to purchase etorphine hydrochloride or diprenorphine must contain those substances only. If an order form for etorphine hydrochloride and diprenorphine is submitted to the supplier containing any other controlled substance it shall not be filled. [Amendments to § 1305.16 (Special procedure for filling certain order forms) and § 1305.06 (Procedure for executing order forms) to implement these requirements are proposed below.]

5. The supplier of etorphine hydrochloride and diprenorphine must maintain order forms for those substances separately from all other order forms and records required to be maintained by the registrant pursuant to 21 CFR Part 1304. [An amendment to § 1305.13 (Preservation of order forms) to implement this requirement is proposed below.]

6. An additional reporting requirement is imposed upon the manufacturer of etorphine hydrochloride and diprenorphine. The manufacturer is required to forward a copy of all order forms received for these substances to the Drug

Enforcement Administration for inspection on a weekly basis. [An amendment to § 1304.38(d) (Reports from manufacturers of bulk materials or dosage units) to implement this requirement is proposed below.]

7. Etorphine hydrochloride and diprenorphine shall only be shipped to the purchaser at the location printed by the Administration on the order form. Shipment is to be made by the most secure method using substantial packaging with no markings on the outside. [An amendment to § 1305.16(b) (ii) to implement this requirement is proposed below.]

Therefore, under the authority vested in the Attorney General by Sections 301, 307, 308, 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 827, 828 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 21 of the Code of Federal Regulations, the Administrator proposes that:

1. Section 1301.74 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (g) to read as follows:

§ 1301.74 Other Security Controls for Non-practitioners.

(g) Before the initial distribution of etorphine hydrochloride and/or diprenorphine to any person, the registrant must verify that the person is authorized to handle the substance(s) by contacting the Drug Enforcement Administration.

2. Section 1301.75 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (d) to read as follows:

§ 1301.75 Physical Security Controls for Practitioners.

(d) Etorphine hydrochloride and diprenorphine shall be stored in a safe or steel cabinet equivalent to a U.S. Government Class V security container.

3. Section 1304.38 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (d) to read as follows:

§ 1304.38 Reports from the Manufacturers of Bulk Materials or Dosage Units.

(d) Registrants manufacturing etorphine hydrochloride or diprenorphine shall, on a weekly basis, forward a copy of

the order forms received for these substances to the Administration.

4. Section 1305.06(b) of Title 21 of the Code of Federal Regulations be amended by adding a new phrase to read as follows:

§ 1305.06 Procedure for Executing Order Forms.

(b) Only one item shall be entered on each numbered line. There are five lines on each order form. If one order form is not sufficient to include all items in an order, additional forms shall be used. Order forms for etorphine hydrochloride and diprenorphine shall contain only these substances. The total number of items ordered shall be noted on that form in the space provided.

5. Part 1305 of Title 21 of the Code of Federal Regulations be amended by adding a new § 1805.16 to read as follows:

§ 1305.16 Special Procedure for Filling Certain Order Forms.

(a) The purchaser of etorphine hydrochloride or diprenorphine shall submit copy 1 and 2 of the order form to the supplier and retain copy 3 in his own files.

(b) The supplier, if he determines that the purchaser is a veterinarian engaged in zoo and exotic animal practice, wildlife management programs and/or research and authorized by the Administrator to handle these substances shall fill the order in accordance with the procedures set forth in § 1305.09 except that: (i) Order forms for etorphine hydrochloride and diprenorphine shall only contain these substances in reasonable quantities and (ii) the substances shall only be shipped to the purchaser at the location printed by the Administration upon the order form under secure conditions using substantial packaging material with no markings on the outside which would indicate the content.

6. Section 1305.13 be amended by adding a new paragraph (d) to read as follows:

§ 1305.13 Preservation of Order forms.

(d) The supplier of etorphine hydrochloride and diprenorphine shall maintain order forms for these substances separately from all other order forms and records required to be maintained by the registrant.

In order to protect the public welfare by ensuring that etorphine hydrochloride and diprenorphine are manufactured, distributed, stored, and used in a proper manner, the foregoing provisions shall be effective on the date of publication as interim procedures until the proposals are finalized.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with

particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than April 26, 1974.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail that a hearing will be held at the time and place set forth in the letter. A notice of hearing will simultaneously be published in the FEDERAL REGISTER. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations and all interested parties waive or deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing, and after giving consideration or written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: March 25, 1974.

JOHN R. BARTELS, JR.,
Administrator,

Drug Enforcement Administration.

[FR Doc. 74-7277 Filed 3-28-74; 8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Parts 60-1, 60-50]

RELIGIOUS ENTITIES

Proposed Exemption

Notice is hereby given that pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposes to clarify the employment obligations of religious corporations, associations, educational institutions and societies under Executive Order 11246 (as amended). This proposal is intended to establish consistency between the religious exemption provisions of section 702 of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the rules and regulations of the Office of Federal Contract Compliance.

This proposed rulemaking concerns matters relating to public contracts. While public participation is not required, the Department of Labor, in keeping with the spirit of 5 U.S.C. 553, invites submission of written comments, suggestions or objections regarding these proposed amendments to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th Street and Constitution Avenue, NW., Washington, D.C. 20210, on or before April 29, 1974.

In consideration of the foregoing, it is proposed to amend Chapter 60 of Title 41, Code of Federal Regulations, as follows:

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

1. A new paragraph (a) (5) is proposed to be added to § 60-1.5 reading as follows:

§ 60-1.5 Exemptions.

(a) * * *

(5) *Contracts with religious entities.* The requirements of the equal opportunity clause shall not apply to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

PART 60-50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

2. A new paragraph (e) is proposed to be added to § 60-50.1 reading as follows:

§ 60-50.1 Purpose and scope.

(e) Nothing contained in this Part 60-50 is intended to supersede or otherwise limit the exemption set forth in § 60-1.5(a) (5) of this chapter for contracts with religious entities.

Signed at Washington, D.C., this 19th day of March 1974.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for
Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal
Contract Compliance.

[FR Doc. 74-7318 Filed 3-28-74; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Part 1]

HYPOALLERGENIC COSMETICS

Proposed Definition

Correction

In FR Doc. 74-4305 appearing at page 7287 as the Part IV of the issue of Monday, February 25, 1974, make the following changes:

1. In the third column on page 7291, in the second line of paragraph 5., the word "Operations" should read "Opinions".

2. In column three on page 7292, in the second from the last paragraph, the date "April 26, 1973" should read "April 26, 1974".

Office of Education

[45 CFR Part 141]

STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS IN PUBLIC SCHOOLS

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title III-A of the National Defense Education Act of 1958, as amended, 20 U.S.C. 441-444, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 141 of the Code of Federal Regulations to read as set forth below.

At present, there will be guidelines under this program. Should guidelines be issued in the future, they would be limited to material in the nature of suggestions and recommendations for program management and operation.

1. *Program purpose.* Title III-A of the National Defense Education Act provides for assistance to States to strengthen academic subjects through the acquisition of laboratory and other special equipment, and minor remodeling.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the program under Title III-A of the National Defense Education Act. Upon publication of revised Part 141 as a final regulation, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the program will be superseded effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations differ from the current regulations in that provisions have been deleted relating to general fiscal and administrative matters which are now covered in the overall Office of Education General Provisions Regulations published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed Part 100b of Title 45 CFR, containing general provisions for State administered programs, which would be applicable to the program under Title

III-A of the National Defense Education Act.)

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations as follows:

A hearing will take place at the U.S. Office of Education on April 25, 1974, in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets, SW, Washington, D.C., beginning at 10:06 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue SW., Room 2079-G, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

Dated: February 20, 1974

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary of Health,
Education, and Welfare.

Subpart A—Definitions; General Provisions

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| | Subpart D—Federal Financial Participation |
| 141.30 | Equipment and minor remodeling. |
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Subpart E—Acquisition of Equipment and Minor Remodeling

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| 141.46 | Equipment and minor remodeling eligible for Federal financial participation. |
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| 141.48 | Use of equipment in other subject areas. |

Subpart F—Supervision and Administration

- | | |
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| 141.54 | Programs for supervision and related services. |
| 141.55 | Expansion or improvement. |
| 141.56 | Time basis for measurement of activities. |

AUTHORITY: Secs. 301-304, Pub. L. 85-864, as amended, 72 Stat. 1588 (20 U.S.C. 441-444), unless otherwise noted.

Subpart A—Definitions; General Provisions
§ 141.1 Definitions.

As used in this part:

"Academic subjects" means the following elementary and secondary school subjects: The arts, civics, economics, English geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

"Act" means the National Defense Education Act of 1958, 20 U.S.C. Ch. 17.

"Arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, film, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution and exhibition of such major art forms.

"Audiovisual library" means a facility used for the acquisition, preparation, maintenance, and circulation of audiovisual materials for education in academic subjects in public elementary and secondary schools, and controlled and operated by a State or local educational agency or other public school authority below the State level.

"Class" means a group of students assembled for instruction for a given period of time under a teacher or teachers.

"Electronic digital and analog computing equipment" means electronic devices capable of input (receiving information), memory (storing information),

programs (performing arithmetical and logical operations), and output (presenting the results of the processing). Input devices may be in the form of key or paper punches, magnetic tape impregnators, magnetic ink, printed characters, or keyboard. Memory devices may be in the form of magnetic drums, tapes, disks, cards, or cores. The term also includes output media which may be in the form of punch cards, magnetic or paper tape, printed copy, or visual display. (Special purpose computing devices and auxiliary equipment whose major application is in data processing and other business and administrative areas are not eligible except for those elements which may be essential for scientific problem solving or for mediating instruction in one of the academic subjects.)

"Equipment" means laboratory and other special equipment as defined in this section, including materials as defined in § 100.1 of this chapter.

"Humanities" includes, but is not limited to, the study of the following: Language, both modern and classic; linguistics; literature; history; jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

"Laboratory and other special equipment" (a) The term includes: (1) Fixed or movable articles, including electronic digital and analog computing equipment, which are particularly appropriate for use in providing education in academic subjects in a public elementary or secondary school and which are to be used either by teachers in connection with teaching or by students in learning in such subjects; (2) audiovisual equipment (including projectors, recorders, television cameras, television receivers, closed-circuit television distribution systems, and ancillary television projection and reception equipment to be used primarily for nonbroadcast purposes, except where broadcast takes the place of closed-circuit cable systems), to be used, either by teachers in connection with teaching or by students in connection with learning, primarily in providing education in academic subjects in a public elementary or secondary school; (3) materials (as defined in § 100.1 of this chapter) and devices (other than those used for printing, such as printing presses and offset printing machines) to be used for preparation of audiovisual and instructional materials for academic subjects; (4) storage equipment to be used solely for the care and protection of the items specified in paragraph (a) (1)-(3) of this definition, when used in laboratories or classrooms; (5) testgrading equipment to be used primarily in providing education in academic subjects in a public elementary or secondary school; and (6) specialized equipment for audiovisual libraries serving public elementary or secondary schools when such equipment is to be used primarily in providing education in academic subjects.

(b) The term excludes such items as general-purpose furniture, school public address systems, or items for the maintenance and repair of equipment. However, the term does include equipment for maintenance, repair, and storage of materials in audiovisual libraries.

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. It also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Minor remodeling" (notwithstanding the definition set forth in § 100.1 of this chapter) means those minor alterations, in a previously completed building in space used or to be used a laboratory or classroom for education in academic subjects, which are needed to make effective use of equipment in providing education in such subjects. The term also includes those minor alterations in a previously completed building which are needed to make effective use of the items referred to in paragraph (a) (5)-(6) of the definition of "Laboratory and other special equipment" in this section. The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent needed to make effective use of equipment. The term does not include building construction, structural alterations to buildings, building maintenance, repair, or renovation.

"Project": (a) As applied to the acquisition of laboratory or other special equipment or minor remodeling the term means (1) a proposal submitted by a local educational agency, or agencies, or other public school authority below the State level, or (2) in cases where the State educational agency operates one or more public elementary or secondary schools or audiovisual libraries, a proposal submitted by the highest administrative officer of such school or audiovisual library.

(b) Proposals shall contain: (1) Description and current cost estimates of the equipment to be acquired or minor remodeling to be performed; (2) certification that the equipment is to be used primarily for providing education in academic subjects, except that in the case of storage equipment the certification shall be to the effect that the storage equipment will be used solely for the care and protection of equipment and materials used in providing such education; and (3) information showing the direct relationship of the proposed expenditures to the overall design for en-

riching the planned educational program and the achievement of desired curriculum goals in academic subjects.

"School" means a division of instructional organization consisting of a group of pupils comprised of one or more grade groups, organized on a class basis as one unit with one or more teachers to give instruction of a defined type, and housed in a school plant of one or more buildings. More than one school may be housed in one school plant as when elementary and secondary schools are so housed.

"Secondary school" means a school which provides secondary education, as determined under State law or, if such school is not in a State, as determined by the Commissioner. The term does not include any education provided beyond grade 12 except that (notwithstanding the definition set forth in § 100.1 of this chapter) it may include a public junior college when it is a part of or an extension of the secondary school system of the State as determined under State law.

"Services": (a) "Supervisory services" mean the services rendered by a qualified person in the promotion, maintenance, and improvement of instruction in one or more of the academic subjects;

(b) "Related Services" mean those technical activities which support supervisory services in academic subjects.

"Standards" are means for determining the suitability of equipment or minor remodeling as it relates to the improvement of instruction on one or more of the academic subjects in public elementary and secondary schools.

(a) With respect to equipment acquisition: "standards" mean criteria, categories of eligible equipment and materials, and such relevant information as the State wishes to use in determining eligibility, including any limitations, prohibitions, or minimum quality requirements developed by the State to encourage long-range planning and to ensure acquisition of equipment appropriate for a specific program of instruction.

(b) With respect to minor remodeling: "standards" are criteria for determining approvability of projects. Such standards shall include a requirement that there be a direct relationship between the minor remodeling and the improvement of instruction in the academic subjects.

"State" means a State of the Union, the District of Columbia, Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"Textbook" means a book, workbook, or manual which is used as the principal source of study material for a given class or group of students, a copy of which is

expected to be available for the individual use of each pupil in that class or group of students.

(20 U.S.C. 403, 443)

§ 141.2 General provisions regulations.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters.

(20 U.S.C. 443)

Subpart B—State Plans

§ 141.3 Purpose.

(a) *States.* A basic condition for the payment of Federal funds to a State under sections 301-304 of the Act is a State plan that meets the requirements of sections 303(a) and 1004(a) of the Act in providing a program under which funds paid to the State under its allotment under section 302(a) of the Act will be expended solely for projects approved by the State educational agency for the acquisition of laboratory and other special equipment suitable for use in providing education in academic subjects, and minor remodeling.

(b) *Departments of Interior and Defense.* The basic condition for the payment of funds under Title III-A of the Act to the Department of the Interior or the Department of Defense is a plan which describes the projects to be carried out with the funds together with such other information and assurances as the Commissioner may require.

(20 U.S.C. 443(a), 588(B))

§ 141.4 Effect of State plan.

The State plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made, as well as a basis for determining the propriety of State and local expenditures in which Federal participation is requested.

(20 U.S.C. 443(a))

§ 141.5 Effect of Department plan.

A plan from the Department of the Interior or the Department of Defense, when approved by the Commissioner, shall constitute the basis on which payments will be made to those Departments under Title III-A of the Act and the basis for determining the propriety of the expenditures of those funds by those Departments.

(20 U.S.C. 588(B))

§ 141.6 Program and operational procedures.

(a) The administration of the program shall be kept in conformity with the approved plan, the regulations in this part, and Title III-A of the Act.

(b) A description of the program and operational procedures shall be recorded and made available to the public upon request.

(c) Whenever there is any material change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization, policies, or

operations of the State agency affecting the program under the plan, the plan shall be appropriately amended.

(20 U.S.C. 443(a))

§ 141.7 Submission.

(a) (1) A State plan shall be submitted to the Commissioner by a duly authorized officer of the State agency. (2) A plan submitted by the Department of the Interior or the Department of Defense shall be submitted by an officer of that Department.

(b) A State plan shall give the official name of the agency which will administer the plan and shall indicate that such agency meets the criteria for a State educational agency.

(20 U.S.C. 443(a), 584(a)(3), 588(B))

§ 141.8 Certificate of the State Attorney General or other appropriate State legal officer.

The State plan shall also include as an attachment a certificate by the appropriate State legal officer to the effect that the State educational agency named in the plan is the agency having authority to administer the State plan or to supervise the administration of the State plan; that the State educational agency has authority under State law to develop, submit, and administer or supervise the administration of the plan; and that the State has authority under State law to carry out the State plan.

(20 U.S.C. 443(a))

§ 141.9 Approval by the Commissioner.

The Commissioner will approve each plan which he determines meets the applicable requirements of Title III-A of the Act and regulations in this part, and will notify the applicant of the granting or withholding of approval in each such case. However, no final action, other than one of approval, will be taken by the Commissioner unless he first notifies the applicant of his proposed action and affords the applicant a reasonable opportunity for a hearing on whether the affected plan meets such requirements.

(20 U.S.C. 443(b), 584(b))

§ 141.10 Ineligibility to participate.

Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds:

(a) That the plan fails to comply with the requirements of Title III-A of the Act or the regulations in this part; or

(b) that in the administration of the plan there is a failure to comply substantially with any such provisions, the Commissioner will notify the applicant that the applicant will not be regarded as eligible to participate in the program under Title III-A of the Act until the Commissioner is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 584(c))

§ 141.11 State plan assurances.

Each State plan shall contain the following assurances:

(a) *Authority.* That the State agency will administer the plan and has adequate authority to do so under State law.

(b) *Fiscal procedures.* That the State agency has provided for such fiscal control and fund accounting procedures as will assure proper disbursement of and accounting for Federal funds paid to the State under the plan, including the funds paid by the State to local educational agencies. Subject to the applicable provisions of Part 100b of this chapter, such administration shall be conducted in accordance with applicable State laws, policies, and procedures.

(c) *Reports.* That the State agency will participate in periodic consultations and will make reports to the Commissioner, at such time, in such form, and containing such information, as the Commissioner may consider reasonably necessary to enable him to perform his duties under the Act and will keep such records and afford such access thereto, and will comply with such other requirements as the Commissioner may find necessary to assure the correctness and verification of such reports.

(d) *Description of program.* That the State agency has developed a program under which funds paid to the State from its allotment under section 302(a) of Title III-A of the Act will be expended solely for (1) projects approved by the State agency for the acquisition of (i) laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment, (ii) printed and published materials (other than textbooks), suitable for use in providing education in academic subjects in public elementary and secondary schools, and (iii) test-grading equipment for those schools and specialized equipment for audiovisual libraries serving those schools; and (2) projects approved by the State agency for minor remodeling of laboratory or other space used for those materials or equipment. In addition that the State agency has developed a program under which funds paid to the State from its allotment under section 302(b) will be expended solely for projects for (i) expansion or improvement of supervisory and related services in public elementary and secondary schools, including leadership and services to local educational agencies to improve instruction in academic subjects, and (ii) for the administration of the State plan. The programs developed pursuant to sections 302(a) and 302(b) must either be set forth in the State plan itself or be incorporated therein by reference as separate existing and identified documents available for inspection by the Commissioner.

(e) *Principles for determining priority of projects.* That the State agency has established the principles that will be applied in determining the priority of and order of undertaking of projects for assistance under the provisions of Title III-A of the Act. Such principles must either be set forth in the State plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(f) *Opportunity for hearing.* That the State agency has provided for an opportunity for a hearing before the State

agency to any applicant for a project under Title III-A of the Act.

(g) *Standards.* That the State agency has established standards for laboratory and other special equipment to be acquired with assistance furnished under Title III-A of the Act and will advise the Commissioner of those standards. These standards are to be related to the State's program for improving instruction in academic subjects and shall be applied by the State in approving projects for the acquisition of equipment.

(h) *Financial participation.* Whether the State agency has established requirements to be imposed upon applicants for financial participation in projects assisted under Title III-A of the Act, including any provision for taking into account the resources available to any applicant for such participation relative to the resources for participation available to all other applicants. These requirements must either be set forth in the State plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(20 U.S.C. 443, 584)

Subpart C—State Administration

§ 141.19 Establishment of principles to govern priorities.

In meeting the requirements contained in § 141.11(e), a State must provide a list of principles which reflect its major educational concerns in the academic subject fields and which have a bearing on the functioning of the Title III-A program. These principles are then to be used as a basis for the development of priorities. The priorities themselves, while not a required part of the State plan, must be prepared by the State to be used for the purpose of assigning relative importance and order of approval of projects submitted by local educational agencies under this part.

(20 U.S.C. 443 (a) (2))

§ 141.20 Administrative review and evaluation.

The State agency and the Department of the Interior and the Department of Defense shall provide for the administration and supervision of all plan programs. Program and administrative review and evaluation shall be conducted by the State agency or the Department of the Interior or the Department of Defense, as the case may be, at least annually to appraise the status of the programs and their administration in terms of plan provisions and program objectives. The State agency shall include a report of such administrative review and evaluation in its annual report.

(20 U.S.C. 443, 584(a) (1), 588(B))

§ 141.21 Advisory committees.

If State advisory committees are used in one or more aspects of the State plan, the State agency shall establish policies for the establishment of the committees, for the qualification and selection of members, for the establishment of the

duties of members and of the committee, and for the payment of committee expenses, if any.

(20 U.S.C. 443, 584)

§ 141.22 Continuing review by Commissioner of State administration.

In order to assist the State agency in adhering to statutory requirements and to the provisions of its approved State plan, the Commissioner will be responsible for conducting periodic reviews, including onsite reviews of the administration of programs under Title III-A of the Act. These reviews will involve analysis of activities and procedures used by State agencies to conduct the program, including the development and monitoring of management activities.

(20 U.S.C. 584)

Subpart D—Federal Financial Participation

§ 141.30 Equipment and minor remodeling.

The Federal Government will pay from each State's allotment an amount equal to one-half of the sums expended for the purchase of equipment and for minor remodeling, when expended for an approved project under an approved State plan. There can be no Federal financial participation in the expenditures for a project if the project, including any amendments thereto, had not been approved by the State agency prior to the incurrence of the expenditures.

(20 U.S.C. 444(a))

§ 141.31 Supervision and administration.

The Federal Government will pay from each State's allotment for Title III-A of the Act one-half of the total sum expended by the State for supervision, related services, and administration in programs established under the approved State plan.

(20 U.S.C. 444(b))

§ 141.32 Public nature of funds.

The expenditures to be used in computing Federal financial participation must be made from public funds. Public funds do not include contributions by private organizations or individuals unless such contributions are deposited in accordance with State law to the account of the unit or agency of State or local government without such conditions or restrictions as would negate their public character.

(20 U.S.C. 444)

§ 141.33 Reallotment.

(a) If the Commissioner determines that any part of the amount allotted to any State for any fiscal year under section 302(a) of the Act will not be required for that year, that part will be available on such dates during that year as the Commissioner may fix for reallotment to other States. The reallotment will be made in proportion to the amounts originally allotted to other States for that year, except that the total amount available to each State will be reduced to the extent it exceeds the sum the Commissioner determines that that State needs

and will be able to use for that year, and the total of such reductions shall be similarly reallotted among the States whose allotments were not so reduced.

(b) The amounts to be so reallotted will be determined by the Commissioner on the basis of (1) reports filed by the States of the amounts required to carry out the State plan approved by the Commissioner, and (2) such other information as he may have available. Each State agency shall, if requested, submit to the Commissioner, on such date or dates as he may specify, a report or reports showing the anticipated need during the current fiscal year for the amount previously allotted or any amount needed in addition thereto, and such other information as the Commissioner may request.

(c) If the Commissioner determines that any amount reserved for any fiscal year for making loans under section 305 of the Act will not be required for that year, that part shall be available for allotment to the States in the manner provided for reallotment of Title III-A funds under paragraph (a) of this section.

(20 U.S.C. 442(c))

§ 141.34 Allotment to the Department of the Interior and the Department of Defense.

The Commissioner will make allotments, according to their respective needs for the types of programs authorized under Title III-A of the Act, to the Secretary of the Interior for elementary and secondary schools operated for Indian children by the Department of the Interior, and to the Secretary of Defense for elementary and secondary schools operated for overseas dependents by the Department of Defense.

(20 U.S.C. 588(B))

Subpart E—Acquisition of Equipment and Minor Remodeling

§ 141.46 Equipment and minor remodeling eligible for Federal financial participation.

A State educational agency may approve projects for the acquisition, with Federal financial participation, of items of equipment, or for minor remodeling, for education in academic subjects only to the extent that equipment or minor remodeling for such academic subjects are covered by the State plan current at the time of project approval.

(20 U.S.C. 443)

§ 141.47 Equipment and minor remodeling costs eligible for Federal financial participation.

(a) *Equipment.* (1) Acquisition of equipment includes the costs of delivery to the school and installation. (2) Expenditures in which Federal participation is claimed may include the cost of raw or processed materials or component parts to be made into finished products or complete equipment units for instruction in academic subjects, including the cost of making and assembling the equipment.

(b) *Minor remodeling.* A minor remodeling project may include the costs of

materials and the labor of local school or district personnel, provided that the costs are properly substantiated by documentation.

(20 U.S.C. 443)

§ 141.48 Use of equipment in other subject areas.

Equipment acquired under an approved project for academic subjects may be used when available and suitable in providing education in other subjects, if there exists a critical need therefor in the judgment of local school authorities. Equipment shall be deemed available only when it is not needed for the time being for use in academic subjects.

(20 U.S.C. 443)

[FR Doc.74-7273 Filed 3-28-74; 8:45 am]

Public Health Service

[42 CFR Part 52]

EMERGENCY MEDICAL TECHNIQUES

Proposed Project Grants for Research

Notice is hereby given that the Assistant Secretary of Health, Office of the Secretary, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 52 of Title 42, CFR, "Grants for Research Projects."

The purpose of the proposed amendment is to implement section 1205 of the Public Health Service Act (42 U.S.C. 300d-4), which was added by section 2(a) of the Emergency Medical Services Systems Act of 1973, Pub. L. 93-154. Section 1205 of the Public Health Service Act authorizes the Secretary of Health, Education, and Welfare to make grants to public or private nonprofit entities for the support of research in emergency medical techniques, methods, devices, and delivery.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment of 42 CFR Part 52 to the Bureau of Health Services Research, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, on or before April 29, 1974. All comments received in response to this notice will be available for public inspection in the above-named office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

It is therefore proposed to amend 42 CFR Part 52 in the manner set forth below.

Dated: March 6, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

1. The citation of authority is amended by adding the words "sec. 1205, 87 Stat. 597; U.S.C. 300d-4." As amended, the citation of authority reads as follows:

AUTHORITY: The provisions of this Part 52 issued under secs. 215, 58 Stat. 690, as amended, 301, 81 Stat. 504; (42 U.S.C. 216, 1857g). Secs. 301, 58 Stat. 691, as amended;

303, 70 Stat. 929; 304, 81 Stat. 534; 396, 79 Stat. 1063; 103, 81 Stat. 486; 204, 79 Stat. 998; (42 U.S.C. 241, 242a, 242b, 280b-6, 1857b, 3253); sec. 1205, 87 Stat. 597; 42 U.S.C. 300d-4. Reorganization Plan No. 3 of 1966, 31 FR 8856, 80 Stat. 1610; 3 CFR 1966 Comp.; Reorganization Orders and Delegations of Mar. 13, Apr. 1, 1968 (33 FR 4894, 5426) and Jan. 17, 1969 (34 FR 1279).

2. Section 52.1 is amended by revoking the words "grants for studies in providing services outside hospitals." As amended, § 52.1 reads as follows:

§ 52.1 Applicability.

The regulations of this part apply to grants for the support of health related research projects as set forth in § 52.10. They do not apply to general research support grants, demonstration grants, or other grants as may be authorized by law, such as grants for the construction of research facilities (see Part 57 of this chapter), for the construction of hospital or other medical facilities (see Part 53 of this chapter), or the award of fellowships (see Part 61 of this chapter), traineeships (see Part 63 of this chapter), or training grants (see Part 64 of this chapter).

3. Section 52.10 is amended by deleting the period at the end of paragraph (e) and inserting in lieu thereof "; and", and by adding a new paragraph (f), to read as follows:

§ 52.10 Nature and purpose of research project grant.

(f) Emergency medical techniques, methods, devices, and delivery as authorized by section 1205 of the Public Health Service Act (42 U.S.C. 300d-4).

4. In § 52.13, paragraph (a) is amended by adding at the end of the second sentence the words "and in the case of applications for support of research in emergency medical services, special consideration shall be given to applications for grants for research relating to the delivery of emergency medical services in rural areas." As amended, § 52.13(a) reads as follows:

§ 52.13 Evaluation and disposition of applications.

(a) *Evaluation.* All applications filed in accordance with § 52.12 shall be evaluated by the Secretary through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified in the areas of research involved in the project, including review by an appropriate National Advisory Council or other body as may be required by law. The Secretary's evaluation shall take into account among other pertinent factors the scientific merit and significance of the project, the competency of the proposed staff in relation to the type of research involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, and the adequacy of the applicant's resources available for the project and the amount of grant funds necessary for completion, and in the case of appli-

cation for support of research in emergency medical services, special consideration shall be given to applications for grants for research relating to the delivery of emergency medical services in rural areas.

[FR Doc.74-7270 Filed 3-28-74; 8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

Coast Guard

[33 CFR Part 117]

[CGD 74 72]

DRAWBRIDGE OPERATION REGULATIONS

Chesapeake and Delaware Canal, Del.

At the request of the U.S. Army Corps of Engineers, the Coast Guard is considering amending the regulations for the Penn Central lift bridge across the Chesapeake and Delaware Canal to allow the use of radiotelephones in lieu of sound and visual signals to request the opening of this bridge when communications have been satisfactorily established. This amendment is being considered to assure maximum safety of navigation. This section will only apply to the Penn Central Railroad bridge because the Reedy Point drawbridge has been replaced by a high level fixed bridge.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Fifth Coast Guard District (oan), Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before April 30, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Amending the heading of § 117.235a to read as follows:

§ 117.235a Chesapeake and Delaware Canal, Del.; Penn Central Railroad vertical lift bridge.

2. Adding a new paragraph (c) to § 117.235a to read as follows:

§ 117.235a Chesapeake and Delaware Canal, Del.; Penn Central Railroad vertical lift bridge.

(c) This bridge is equipped with an FM radiotelephone station and those vessels equipped with an FM radiotelephone

station may contact the bridge by radiotelephone via Channel 13 (or whatever channel is currently assigned by the Federal Communications Commission). Sound signals may be omitted if radiotelephone communications are satisfactorily established and maintained between the draw tender and the approaching vessel, until the vessel has passed through the lift span.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655 (g) (2)); 49 CFR 146(c) (5), 33 CFR 1.05-1 (c) (4)).

Dated: March 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.74-7280 Filed 3-28-74;8:45 am]

[33 CFR Part 117]

[CGD 74 71]

DRAWBRIDGE OPERATION REGULATIONS
Chuckatuck Creek, Va.

At the request of the Virginia Department of Highways, the Coast Guard is considering revising the regulations for the drawbridge at mile 1.0 across Chuckatuck Creek, Nansemond, Virginia. Present regulations require that the draw open on signal from 7:00 a.m. to 3:00 p.m., daily except Sunday and at all other times if at least 4 hours notice is given. The proposed regulations would require at least 2 hours notice at all times. The requirement that the bridge open on signal from 7:00 a.m. to 3:00 p.m. is being eliminated because of limited openings of the bridge (52 from July 1971 through April 1973). The reduced notice time would allow sufficient time for Highway Department personnel to travel to the bridge for draw openings. The emergency requirement is being reworded in order to clarify its meaning.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Fifth Coast Guard District (oan), Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before April 30, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising subparagraph (23) of paragraph (f) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(f) * * *

(23) Chuckatuck Creek, Va.; Virginia Department of Highways bridge on U.S. Route 17 between Nansemond and Isle of Wight County. The draw shall open on signal if at least 2 hours notice is given. If an emergency exists the draw shall open as soon as possible.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655 (g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4))

Dated: March 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.74-7279 Filed 3-28-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SO-34]

TRANSITION AREA
Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Vidalia transition area described in § 71.181 (39 FR 440) would be amended as follows:

"* * * longitude 82°22'15" W.) * * *" would be deleted and "* * * longitude 82°22'15" W.); within a 6.5-mile radius of Reidsville Airport, Reidsville, Ga. (latitude 32°03'19" N., longitude 82°09'19" W.); within 3 miles each side of the 295° bearing from Prison RBN (latitude 32°03'27" N., longitude 82°09'09" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN * * *" is substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Reidsville Airport. A prescribed instrument approach procedure to this airport, utilizing the Prison (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on March 21, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-7238 Filed 3-28-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74-SO-18]

RNAV ROUTE
Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter a segment of RNAV Route No. J812R in the vicinity of Atlanta, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign J812R between ALMA, Ga., and SHUTO as follows:

Waypoint	Latitude-longitude	Ref. Facility	Rho/Theta
ALMA.....	31°32'1" N., 82°30'30" W.	SAV	243.7° M/80.5.
SINCA.....	33°05'19" N., 83°33'03" W.	AGS	250.4° M/76.8.
CANTE.....	34°19'29" N., 84°25'39" W.	CHA	135.5° M/52.4.
SHUTO.....	37°14'52" N., 85°21'50" W.	TYB	320° M/107.3.

As presently aligned, the route creates points of conflict with inbound traffic at LANDS and SINCA, and with outbound traffic at CANTE and SOCLE. Realignment as proposed would move the route centerline westward as much as 27 miles, thereby eliminating the points of conflict.

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

Issued in Washington, D.C., on March 25, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-7237 Filed 3-28-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 549]

[No. 74-69]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Authorization and Limitations of Issuing Negotiable Certificates of Deposit

JANUARY 30, 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend various sections of Parts 545 and 549 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545 and 549) for the purpose of authorizing Federal associations to issue negotiable certificates of deposit as described below. By a companion Resolution (Resolution No. 74-60; January 30, 1974), the Board proposes collateral amendments to the rules and regulations for Insurance of Accounts (12 CFR Ch. V, Subchapter D).

The principal amendment to said Part 545 would be to add a new § 545.1-5 thereto which would authorize, and place limitations on, the issuance of negotiable certificates of deposit. Under paragraph (a) of proposed § 545.1-5, each Federal association which has adopted the charter provision set forth in § 545.1-3 (12 CFR 545.1-3)—a "deposit-type" association—could accept savings deposits for fixed periods of time and bearing fixed rates of interest which are evidenced by certificates which by their form are negotiable instruments under the law of the State where the home office of the association is located. Negotiable certificates of deposit would have the same status and priority as is provided under § 545.1-2 (12 CFR 545.1-2) for savings deposits authorized by that section.

Paragraph (b) of proposed § 545.1-5 would permit payment of interest on ne-

gotiable certificates of deposit either monthly, quarterly, semiannually or at the conclusion of the fixed-term.

Paragraph (c) of proposed § 545.1-5 would set forth limitations on negotiable certificates of deposit. In substance, Federal associations would not be permitted to issue a negotiable certificate of deposit: (1) which has a principal amount of less than \$100,000; (2) which has a term of less than 30 days or more than 10 years; (3) which permits the association to redeem or accelerate payment of the certificate before the end of its fixed-term; (4) which permits the holder to add to it, or withdraw principal from it, before the end of its fixed-term; (5) which permits any renewal or extension at the end of its fixed-term; or (6) which provides for the payment of any interest after the end of its fixed-term.

Also, paragraph (c) of proposed § 545.1-5 would require that before the association could issue negotiable certificates of deposit, the association must obtain an opinion by its legal counsel that the form of the certificate complies with the requirements of applicable law (including applicable State negotiable instruments law) and regulations and the association's charter, and must submit the form of certificate and the legal opinion to the Federal Savings and Loan Insurance Corporation. The legal opinion would not need to be obtained if the association uses a form of certificate which has already been approved by the Corporation for use by Federal associations. At this time it is not expected that the Corporation will approve certificate forms for general use by all Federal associations until sufficient experience is gained concerning the form of negotiable certificates of deposit. As a result, each association desiring to issue negotiable certificates of deposit would have to first submit its certificate forms and legal opinions to the Corporation. Specific Board or staff approval of the certificate form would not be required by the regulation, but it is expected that an association would wait for a reasonable period of time for staff comments before beginning to issue a certificate form submitted to the Corporation.

Paragraphs (d) and (e) of proposed § 545.1-5 are concerned with the provisions to be set forth on the face of the certificate form. Under paragraph (e), a certificate which meets the requirements of paragraphs (c), (d) and (f) could be in such form as the board of directors of the association may determine. For example, it could be registered or nonregistered, be payable to bearer or to the order of a specified person or entity, or be a coupon-type instrument. Under paragraph (d), a negotiable certificate of deposit form would be required in substance to include in its provisions and display in easily read type: (1) The amount of the deposit and the date on which it is made; (2) the rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or the frequency of payment of interest; (3) a statement as to deposit and withdrawal restrictions; and

(4) a statement that interest will not accrue on, or be credited to, the deposit after the end of its fixed term.

Also, paragraph (d) of proposed § 545.1-5 would require the certificate form to disclose whether the holder of the certificate has membership and voting rights in the association. Under paragraph (f) of proposed § 545.1-5 the association's board of directors may decide whether to grant membership and voting rights to holders of negotiable certificates of deposit or designated classes thereof. However, if membership and voting rights are granted, the certificate would have to be in registered form.

The issuance of negotiable certificates of deposit would be subject to the restrictions of § 563.25 of the rules and regulations for Insurance of Accounts (12 CFR 563.25) concerning sales commissions and the use of brokers. Such issuance would also be subject to § 526.5-1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5-1) which places a percentage of total savings accounts limitation on certificate accounts of \$100,000 or more paying a return at a rate in excess of 6.75 percent.

The Board also proposes to amend §§ 545.1-4, 545.2 and 545.4-1 of said Part 545 (12 CFR 545.1-4, 545.2 and 545.4-1) in connection with permitting the issuance of negotiable certificates of deposit. Section 545.1-4(a) would be amended by adding "and § 545.1-5" after the phrase "In addition to the savings deposits authorized by § 545.1-2" at the beginning thereof. Section 545.4-1 would be amended by adding a new paragraph (c) which would provide in substance that § 545.4-1 does not limit the authority of Federal associations to issue negotiable certificates of deposit.

Authorizing Federal associations to issue negotiable certificates of deposit requires several changes to § 545.2, captioned "Evidence of ownership". Generally, these changes deal with what records and proof of ownership would be required in connection with the issuance of negotiable certificates of deposit. Paragraph (a) of § 545.2 would be revised so that a Federal association issuing a negotiable certificate of deposit would not be required to obtain a signature card from the owner of such deposit if it is not in registered form. This change is desirable in connection with the issuance of negotiable certificates of deposit which are in bearer form and in order to facilitate distribution of negotiable certificates of deposit through a dealer or broker.

Paragraph (b) of § 545.2 is revised to make clear that at least for the time being the Board will not prescribe negotiable certificates of deposit forms as discussed above. Said paragraph (b) would also be revised by deleting the last sentence thereof since there are no longer any Federal associations holding Charter E.

Similar conforming amendments would be made to paragraphs (c) and (d) of § 545.2. It should be noted, however, that the second sentence of paragraph (c).

would be revised and a new third sentence added to indicate that applicable State negotiable instruments law would determine the rules for valid and sufficient release of the association for any payment of a negotiable certificate of deposit.

Part 549 deals with the powers of a receiver and the conduct of a receivership. A new § 549.5-2 would be added thereto to make clear that written notifications required by §§ 549.5(a) and 549.5-1(b) (1) need not be sent to holders of negotiable certificates of deposit which are not in registered form.

Accordingly, the Board hereby proposes to amend said Parts 545 and 549 as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by April 30, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. Section 545.1-4(a) would be amended to read as follows:

§ 545.1-4 Other savings deposits.

(a) *General.* In addition to the savings deposits authorized by §§ 545.1-2 and 545.1-5, any Federal association which has a charter in the form of Charter N or Charter K (rev.) and which has adopted the charter provision set forth in § 545.1-3 may, subject to the provisions of this section, accept savings deposits for fixed periods of time and bearing fixed rates of interest, which savings deposits shall have the same status and priority as is provided under subparagraph (3) of paragraph (b) of § 545.1-2 for savings deposits authorized by that section. Holders of savings deposits authorized by this section shall, to the same extent as is provided in subparagraph (2) of paragraph (b) of § 545.1-2 for holders of savings deposits authorized by that section, be members of the association and have voting rights.

2. A new § 545.1-5 to read as follows would be added immediately after § 545.1-4:

§ 545.1-5 Negotiable certificates of deposit.

(a) *General.* In addition to the savings deposits authorized by §§ 545.1-2 and 545.1-4, any Federal association which has adopted the charter provision set forth in § 545.1-3 may, subject to the provisions of this section, accept savings deposits for fixed periods of time and bearing fixed rates of interest which are evidenced by certificates which by their form are negotiable instruments

under the law of the State where the home office of the association is located (hereinafter referred to as "negotiable certificates of deposit"). Negotiable certificates of deposit issued pursuant to the authority contained in this section shall have the same status and priority as is provided under § 545.1-2(b) (3) for savings deposits authorized by that section.

(b) *Payment of interest.* Interest on negotiable certificates of deposit authorized by this section shall be paid at the rate fixed, or negotiated on an individual basis, by the association prior to the acceptance of the deposit; but such rate shall not exceed the applicable maximum rate prescribed in Part 526 of this Chapter. The board of directors of the association shall provide that interest on such deposits, or designated classes thereof, shall be paid either monthly, quarterly, semiannually, annually, at the conclusion of the fixed term, or on any dates on which interest may be paid on savings deposits authorized by § 545.1-2. The board of directors of the association may provide for the payment of interest on negotiable certificates of deposit authorized by this section on the same basis, terms, and conditions as is provided for the distribution of earnings by § 545.1-1.

(c) *Limitations on negotiable certificates of deposit.* In accepting savings deposits under the authority contained in paragraph (a) of this section, a Federal association shall not:

(1) Issue any negotiable certificate of deposit of less than \$100,000;

(2) Issue any negotiable certificate of deposit for a term of less than 30 days or more than 10 years;

(3) Issue any negotiable certificate of deposit which by its terms is subject to redemption or acceleration by the association;

(4) Issue any negotiable certificate of deposit which by its terms permits the holder thereof to add to or withdraw principal from such certificate of deposit before the end of its fixed-term;

(5) Issue any negotiable certificate of deposit under this section unless the association has first (i) obtained a written opinion by its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and the association's charter, which opinion shall be retained by the association so long it continues to issue certificates in such form, and (ii) submitted a copy of such certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation: *Provided*, That such legal opinion need not be obtained if the association uses a form of negotiable certificate of deposit which has already been approved by the Corporation for use by Federal associations;

(6) Issue any negotiable certificate of deposit which by its terms permits any renewal or extension at the end of its fixed-term; or

(7) Issue any negotiable certificate of deposit which provides for the payment of any interest for any period during

which the funds deposited remain with the association after the end of the fixed-term of the savings deposit evidenced by such certificate.

(d) *Provisions required in negotiable certificates of deposit.* Each negotiable certificate of deposit issued by a Federal association pursuant to the authority contained in paragraph (a) of this section shall include in its provisions and display in easily read type:

(1) The amount of the deposit and the date on which it is made;

(2) The rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or the frequency of payment of interest;

(3) A statement that the holder of the certificate is not permitted to add to, or withdraw principal from, the savings deposit evidenced by the certificate before the end of its fixed-term;

(4) A statement that no interest shall accrue on, or be credited to, the savings deposit evidenced by the certificate after the end of its fixed-term; and

(5) A statement as to whether the holder of the certificate has membership and voting rights in the association.

(e) *Form of certificate.* Certificates evidencing savings deposits accepted pursuant to the authority contained in this section shall, subject to paragraphs (c), (d) and (f) of this section, be in such form as the board of directors of the association may determine. Such certificates shall not be incorporated in passbooks.

(f) *Membership and voting rights.* The board of directors of the Federal association shall determine whether holders of savings deposits evidenced by negotiable certificates of deposit issued pursuant to the authority contained in this section, or designated classes thereof, are members of the association and have voting rights as provided in § 545.1-2(b) (2) for holders of savings deposits authorized by that section. If the board of directors determines that holders of negotiable certificates of deposit are members of the association and have voting rights, such holders shall have membership and voting rights to the same extent provided in § 545.1-2(b) (2) for holders of savings deposits authorized by that section. If the holders of negotiable certificates of deposit are given membership and voting rights, the name and address of the owner of the certificate shall be registered on the books of the association and the certificate shall be made transferable only on such books.

Section 545.2 would be revised to read as follows:

§ 545.2 Evidence of ownership.

(a) *Signature card.* In connection with the issuance of a savings account other than a negotiable certificate of deposit issued under § 545.1-5 which is not in registered form, a Federal association shall obtain a card containing the signature of the owner of such account or his duly authorized representative and shall preserve such signature card in the records of the association.

PROPOSED RULES

(b) *Account books and certificates.* A Federal association that has Charter N or Charter K (rev.) shall issue to each holder of its savings accounts an account book, or a separate certificate, evidencing the ownership of the account and the interest of the holder thereof in the capital of such Federal association. Each such certificate shall be in form prescribed by the Board. (The Board has prescribed for use by all Federal associations that have Charter K, forms of certificates evidencing the ownership of savings share accounts, short-term savings share accounts, and investment share accounts; and has prescribed for use by all Federal associations that have Charter N or Charter K (rev.) forms of certificates, other than a negotiable certificate of deposit, evidencing ownership of savings accounts. Illustrative copies of these forms may be obtained from the Federal Home Loan Bank Board, Washington, D.C., or from any Federal Home Loan Bank.)

(c) *Ownership of record.* A Federal association may treat the holder of record of a savings account, including a negotiable certificate of deposit which is in registered form, as the owner for all purposes without being affected by any notice to the contrary unless such Federal association has acknowledged in writing notice of a pledge of such savings account or notice of a transfer or negotiation of such a negotiable certificate of deposit. The receipt or acquittance of any member, including a minor person or a married woman, who holds a savings account other than a negotiable certificate of deposit shall be a valid and sufficient release and discharge of the association for any payment to such person on any savings account. Valid and sufficient release and discharge of the association for any payment of a negotiable certificate of deposit shall be determined under applicable State negotiable instruments law. Savings accounts of a Federal association, other than negotiable certificates of deposit which are not in registered form, shall be transferable only upon the books of the association and upon proper application by the transferee and the acceptance of the transferee as a member upon terms approved by the board of directors.

(d) *Duplicate account books and certificates.* Upon filing with a Federal association by the holder of record as shown by the books of the association, by the holder of a negotiable certificate of deposit, or by a legal representative of either of such holders, of an affidavit to the effect that the certificate or account book evidencing his savings account with the association has been lost or destroyed, and that such certificate or account book has not been pledged or assigned in whole or in part, and in the case of a negotiable certificate of deposit has not been transferred by him, such Federal association shall issue a new certificate or account book evidencing such savings account in the name of the holder of record or such holder of a negotiable certificate of deposit: *Provided*, That the board of direc-

tors shall, if in its judgment it is necessary, require a bond in an amount sufficient to indemnify the association against any loss which might result from the issuance of such new certificate or account book.

4. A new paragraph (c) to read as follows would be added to § 545.4-1:

§ 545.4-1 Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.

(c) *Negotiable certificates of deposit.* Nothing in this section shall limit the authority of Federal associations under § 545.1-5 to accept savings deposits for fixed periods of time and bearing fixed rates of interest which are evidenced by certificates which by their form are negotiable instruments under the law of the State where the home office of the association is located.

5. A new § 549.5-2 to read as set forth below would be added immediately after § 549.5-1:

§ 549.5-2 Notifications required in this part.

The written notifications required by the fifth sentence of § 549.5(a) and the fifth sentence of § 549.5-1(b)(1) need not be sent to holders of negotiable certificates of deposit issued pursuant to § 545.1-5 of this chapter which are not in registered form.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc. 74-7335 Filed 3-28-74; 8:45 am]

[12 CFR Parts 563, 564]

[No. 74-60]

FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATIONProposed Approval of Issuing Negotiable
Fixed-Rate, Fixed-Term Accounts

JANUARY 30, 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend various sections of Parts 563 and 564 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563 and 564) for the purpose of approving the issuance of negotiable fixed-rate, fixed-term accounts by insured institutions as described below. By a companion Resolution (Resolution No. 74-59; January 30, 1974), the Board proposes collateral amendments to the rules and regulations of the Federal Savings and Loan System (12 CFR Ch. V, Subchapter C).

The principal amendment to said Part 563 would be to add a new § 563.3-3 thereto which would approve, and place limitations on, the issuance of negotiable fixed-rate, fixed-term accounts. Under paragraph (a) of proposed § 563.3-3, each insured institution could accept ac-

counts bearing a definite rate of return for fixed periods of time evidenced by certificates which by their form are negotiable instruments under the law of the State where the principal office of the institution is located. A certificate which meets the provisions of paragraphs (b), (c) and (d) of proposed § 563.3-3 could be in such form as the board of directors of the institution may determine. For example, it could be registered or nonregistered, be payable to bearer or to the order of a specified individual or entity, or be a coupon-type instrument.

Paragraph (b) of proposed § 563.3-3 would set forth limitations on negotiable fixed-rate, fixed-term accounts. In substance, insured institutions would not be permitted to issue a negotiable fixed-rate, fixed-term account: (1) which has a principal amount of less than \$100,000; (2) which has a term of less than 30 days or more than 10 years; (3) which permits the association to redeem or accelerate payment of the certificate before the end of its fixed-term; (4) which permits the holder to add to it, or withdraw principal from it, before the end of its fixed-term; (5) which permits any renewal or extension at the end of its fixed-term; or (6) which provides for the payment of any interest after the end of its fixed-term.

Also, paragraph (b) of proposed § 563.3-3 would require that before the insured institution could issue negotiable certificates of deposit, the institution must obtain an opinion by its legal counsel that the form of certificate complies with the requirements of applicable law (including applicable State negotiable instruments law) and regulations and the institution's charter, and must submit the form of certificate and the legal opinion to the Federal Savings and Loan Insurance Corporation. The legal opinion would not need to be obtained if the institution uses a form of certificate which has already been approved by the Corporation for use by institutions in the State where the institution is located. At this time it is not expected that the Corporation will approve certificate forms for general use by all insured institutions in a particular State until sufficient experience is gained concerning the form of negotiable certificates of deposit. As a result, each institution desiring to issue negotiable fixed-rate, fixed-term accounts would have to first submit its certificate forms and legal opinions to the Corporation. Specific Board or staff approval of the certificate form would not be required by the regulation, but it is expected that an institution would wait for a reasonable period of time for staff comments before beginning to issue a certificate form submitted to the Corporation.

Paragraph (c) of proposed § 563.3-3 is concerned with the provisions to be set forth on the face of the certificate form. The certificate form would be required to include in its provisions and display in easily read type: (1) The amount of the deposit and the date on which it is made;

(2) the rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or frequency of payment of interest; (3) a statement as to deposit and withdrawal restrictions; (4) a statement that interest will not accrue on, or be credited to, the deposit after the end of its fixed-term; and (5) whether the holder of the certificate has membership and voting rights in the institution.

Paragraph (d) of proposed § 563.3-3 would require that if the holders of negotiable fixed-rate, fixed-term accounts have membership and voting rights in the insured institution, the name and address of the owner of the account shall be registered on the books of the institution and the certificate evidencing the account shall be made transferable only on such books.

The issuance of negotiable fixed-rate, fixed-term accounts would be subject to the restrictions of § 563.25 of the rules and regulations for Insurance of Accounts (12 CFR 563.25) concerning sales commissions and the use of brokers. Such issuance would also be subject to § 526.5-1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5-1) which places a percentage of savings limitation on certificate accounts of \$100,000 or more paying a return at a rate in excess of 6.75 percent.

The Board also proposes to amend §§ 563.3-1, 563.4, 563.7-2 and 563.17-1 (12 CFR 563.3-1, 563.4, 563.7-2 and 563.17-1) in connection with approving the issuance of negotiable fixed-rate, fixed-term accounts. Section 563.3-1(a) would be amended by adding the phrase "In addition to accounts approved by § 563.3-3" at the beginning thereof. Section 563.7-2(a) would be amended by adding § 563.3-3 to the list of sections referred to therein.

Section 563.4, captioned "Transfer of securities", presently requires that all securities issued by an insured institution shall be made transferable only on the books of the institution. This section would be revised so that negotiable fixed-rate, fixed-term accounts which are not in registered form would not be required to be made transferable only on the books of the institution.

Section 563.17-1(c) (5), captioned "Records with respect to insured accounts", would be revised so that the records of an insured institution would not be required to contain the signature of the holder of a negotiable fixed-rate, fixed-term account which is not in registered form. Such records would be required to reflect the balance in such account, however.

Part 564 of the rules and regulations for Insurance of Accounts (12 CFR Part 564) deals with settlement of insurance. Paragraph (a) of § 564.1 (12 CFR 564.1) captioned "Settlement of insurance upon default", would be amended to indicate that the Corporation need not send written notice of the time and place of payment of insurance to the holders of negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts

which are not in registered form. If the institution has outstanding at the time of default such a deposit or account which is not in registered form, the Corporation would be required, however to publish, in a newspaper of general circulation in the area in which such institution's principal office is located, a notice to all account holders of such institution of the time and place of payment of insurance.

Section 564.2 (12 CFR 564.2) sets forth general principles applicable in determining the insured members of an insured institution and the amount of their insured accounts. Paragraph (b) (1) thereof states, in part, that "The account records of the insured institution shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are invested and on which a claim for insurance coverage is founded * * *." A new paragraph (b) (5) would be added to § 564.2 which would provide that paragraph (b) does not apply with respect to negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts which are not in registered form. Paragraph (b) (5) would require that affirmative proof must be offered in all cases to substantiate a claim by the holder of such a deposit or account as to the existence of any relationship upon which a claim for insurance coverage is founded.

A new § 564.13, captioned "Accounts evidenced by negotiable certificates", would be added to Part 564 which would be comparable to a similar regulation of the Federal Deposit Insurance Corporation (12 CFR 330.11). In substance, new § 564.13 would provide that the holder of a negotiable certificate of deposit or a negotiable fixed-rate, fixed-term account which is not in registered form will be recognized for all purposes involving claims in connection with settlement of insurance upon default as if the name and interests of such holder could be determined from the books and records of the insured institution. However, the certificate must have been negotiated to such holder prior to the date of the closing of the institution and affirmative proof of such negotiation must be offered in all cases to substantiate the claim. In that connection, a new example of insurance coverage for negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts would be added to the Appendix to Part 564. The purpose of the example is to explain that the insurance coverage as to the holders of a certificate evidencing such a deposit or account is unaffected by the insurance coverage which was afforded to a previous holder of such certificate.

Accordingly, the Board hereby proposes to amend said Parts 563 and 564 as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by April 30, 1974, as to whether this proposal should be adopted, rejected, or

modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. Section 563.3-1(a) would be revised to read as follows:

§ 563.3-1 Fixed-rate, fixed-term accounts.

(a) *General approval.* In addition to accounts approved by § 563.3-3, a State-chartered institution which, in accordance with State law, may accept accounts bearing a definite rate of return for fixed periods of time (hereinafter referred to as "fixed-rate, fixed-term accounts") and whose board of directors has adopted a resolution providing for the issuance of such fixed-rate, fixed-term accounts may, subject to the limitations contained in paragraph (b) of this section and to the disclosure provisions contained in paragraph (c) of this section, issue certificates evidencing such fixed-rate, fixed-term accounts in such form as the board of directors of the institution may determine.

2. A new § 563.3-3 to read as follows would be added immediately following § 563.3-2:

§ 563.3-3 Negotiable fixed-rate, fixed-term accounts.

(a) *General approval.* In addition to accounts approved by § 563.3-1, a State-chartered institution which, in accordance with State law, may accept accounts bearing a definite rate of return for fixed periods of time evidenced by certificates which by their form are negotiable instruments under the law of the State in which the principal office of the institution is located (hereinafter referred to as "negotiable fixed-rate, fixed-term accounts") and whose board of directors has adopted a resolution providing for the issuance of such negotiable fixed-rate, fixed-term accounts may, subject to paragraphs (b), (c) and (d) of this section, issue certificates evidencing such negotiable fixed-rate, fixed-term accounts in such form as the board of directors of the institution may determine.

(b) *Limitations.* In issuing certificates evidencing negotiable fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, an insured institution shall not:

- (1) Issue any negotiable fixed-rate, fixed-term account of less than \$100,000;
- (2) Issue any negotiable fixed-rate, fixed-term account for a term of less than 30 days or more than 10 years;
- (3) Issue any negotiable fixed-rate, fixed-term account which by its terms is subject to redemption or acceleration by the institution;
- (4) Issue any negotiable fixed-rate, fixed-term account which by its terms permits the holder thereof to add to or

withdraw principal from such account before the end of its fixed-term;

(5) Issue any negotiable fixed-rate, fixed-term account under the approval contained in this section unless the institution has first (i) obtained a written opinion by its legal counsel that that form of certificate evidencing such account complies with the requirements of applicable law and regulations and the institution's charter, which opinion shall be retained by the institution so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation: *Provided*, That such legal opinion need not be obtained if the institution uses a form of certificate which has already been approved by the Corporation for use by insured institutions in the State where such institution is located;

(6) Issue any negotiable fixed-rate, fixed-term account which by its terms permits any renewal or extension at the end of its fixed-term; or

(7) Issue any negotiable fixed-rate, fixed-term account which provides for the payment of any interest for any period during which the funds in the account remain with the institution after the end of the fixed-term of such account.

(c) *Provisions required in negotiable fixed-rate, fixed-term accounts.* Each certificate evidencing a negotiable fixed-rate, fixed-term account accepted pursuant to the approval contained in paragraph (a) of this section shall include in its provisions and display in easily read type:

(1) The amount of the negotiable fixed-rate, fixed-term account and the date on which it is issued;

(2) The rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or frequency of payment of interest;

(3) A statement that the holder of the certificate is not permitted to add to, or withdraw principal from, the savings account evidenced by the certificate before the end of its fixed-term;

(4) A statement that no interest shall accrue on, or be credited to, the savings account evidenced by the certificate after the end of its fixed-term; and

(5) A statement as to whether the holder of the certificate has membership and voting rights in the institution.

(d) *Membership and voting rights.* If the holders of negotiable fixed-rate, fixed-term accounts, or designated classes thereof, have membership and voting rights in the insured institution, the name and address of the owner of the account shall be registered on the books of the institution and the certificate evidencing the account shall be made transferable only on such books.

3. Section 563.4 would be revised to read as follows:

§ 563.4 Transfer of securities.

Except for negotiable certificates of deposit and certificates evidencing negotiable fixed-rate, fixed-term accounts which are not in registered form, all securities issued by an insured institution shall be made transferable only on the books of the insured institution.

4. Section 563.7-2 would be revised to read as follows:

§ 563.7-2 Form, return, and maturity of securities.

Securities of any insured institution which are (a) in conformity with § 563.3-1, § 563.3-2, § 563.3-3, or § 563.8-1 or § 545.24 of this chapter, (b) issued in connection with any borrowing which is in conformity with § 563.8, (c) issued in connection with any transaction which is not a borrowing or the issuance of a savings account and is not in nonconformity with the terms of any provision of this part which by its terms is applicable to such transaction, or (d) issued with specific prior approval of the Corporation are, as to form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of the National Housing Act, as now or hereafter in effect, which refer to the form, return, and maturity of securities), hereby approved by the Corporation.

5. Section 563.17-1(c) (5) would be revised to read as follows:

§ 563.17-1 Examinations and audits; appraisals; establishment and maintenance of records.

(c) *Establishment and maintenance of records.* * * *

(5) *Records with respect to insured accounts.* Except as provided in the next sentence of this paragraph (c) (5), the records of an insured institution with respect to each withdrawable or repurchasable share, investment certificate, deposit, or savings account issued by such institution shall include the signature of the owner of such account or his duly authorized representative, together with a record reflecting the balance in such account. The records of an insured institution with respect to each negotiable certificate of deposit and certificate evidencing a negotiable fixed-rate, fixed-term account which are not in registered form need not include the signature of the holder of such certificate but shall reflect the balance in such account.

6. Section 564.1(a) would be revised to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the savings account contracts and the books and records of the institution, the insured members thereof and the amount

of the insured account of each such member. The Corporation will give to each member (except holders of negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts which are not in registered form) written notice of the time and place of payment of insurance by mail at the last known address as shown on the books of the insured institution. If an insured institution has outstanding at the time of default any negotiable certificates of deposit or certificates evidencing negotiable fixed-rate, fixed-term accounts which are not in registered form, the Corporation shall also, concurrently with the mailing of such written notice, publish (in a newspaper printed in the English language and of general circulation in the city or county in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

7. Section 564.2(b) would be revised by adding a new subparagraph (5) thereto to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

(b) *Records.* * * *

(5) The provisions of this paragraph shall not apply with respect to "negotiable certificates of deposit" issued pursuant to § 545.1-5 of this chapter and "negotiable fixed-rate, fixed-term accounts" issued pursuant to the approval contained in § 563.3-3 of this chapter which are not in registered form. Affirmative proof must be offered in all cases to substantiate a claim by the holder of such a deposit or account as to the existence of any relationship upon which a claim for insurance coverage is founded.

8. A new § 564.13 to read as follows would be added immediately after § 564.12:

§ 564.13 Accounts evidenced by negotiable certificates.

A "negotiable certificate of deposit" issued pursuant to § 545.1-5 of this chapter and a "negotiable fixed-rate, fixed-term account" issued pursuant to the approval contained in § 563.3-3 of this chapter which is not in registered form will be recognized for all purposes involving claims in connection with settlement of insurance upon default as if the name and interests of such holder could be determined from the books and records of the insured institution as required by this Part 564: *Provided*, That the certificate evidencing such deposit or account was in fact negotiated to such holder prior to the date of the closing of the insured institution. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

9. A new Section H and a new example of insurance coverage would be added at the end of the Appendix following Part 564 to read as follows:

APPENDIX—EXAMPLES OF INSURANCE COVERAGE AFFORDED ACCOUNTS IN INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

H. NEGOTIABLE CERTIFICATES OF DEPOSIT AND NEGOTIABLE FIXED-RATE, FIXED-TERM ACCOUNTS

Example 1

Question: A has \$100,000 invested in a negotiable certificate of deposit. A transfers the certificate of deposit to B, who has \$20,000 in a single-ownership account. B then transfers the certificate of deposit to C. What is the insurance coverage?

Answer: While A holds the certificate of deposit, it is insured for \$20,000, leaving \$80,000 uninsured. While B holds the certificate of deposit, it is added to his single-ownership account and his insurance coverage is \$20,000, leaving \$100,000 uninsured. While C holds the certificate of deposit, it is insured for \$20,000 leaving \$80,000 uninsured.

(Secs. 402, 403, 405, 48 Stat. 1256, 1257, 1259, as amended; (12 U.S.C. 1725, 1726, 1728). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-7336 Filed 3-28-74; 8:45 aml

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1001, 1002, 1004, 1015, 1033, 1036, 1040, 1049]

[Docket Nos. AO-14-A53, etc.]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Partial Decision on Proposed Amendments

In the matter of:

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional.....	AO 14-A53.
1002	New York-New Jersey.....	AO 71-A68.
1004	Middle Atlantic.....	AO 160-A51.
1015	Connecticut.....	AO 305-A31.
1033	Ohio Valley.....	AO 166-A44.
1036	Eastern Ohio-Western Penn- sylvania.....	AO 179-A39.
1040	Southern Michigan.....	AO 225-A28.
1049	Indiana.....	AO 319-A22.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Washington, D.C., on February 20-28, 1974, pursuant to notice thereof issued on February 14, 1974 (39 FR 5642).

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

1. The immediate need for making in-operative the butter-powder formula under each order during the next few months.

2. Appropriate longer-term basis of pricing reserve milk under the eight orders.

3. Whether an emergency exists to warrant the omission of a recommended decision.

Sixteen proposals concerning the pricing of milk to which the butter-powder formula applies were submitted by interested parties for consideration at the hearing. Certain of the proposals called for either emergency suspension or immediate amendment action with respect to elimination of the butter-powder pricing formula. Other proposals involved adoption of new pricing formulas.

This partial decision deals with issues 1 and 3. Issue 2 is reserved for later decision.

FINDINGS AND CONCLUSIONS

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

1. *The immediate need for making in-operative the butter-powder formula under each order during the next few months.* The price for reserve milk disposed of in manufacturing uses other than butter and nonfat dry milk in the eight markets under consideration should not be based on the butter-powder formula price but rather on the average of prices paid for manufacturing grade milk in Minnesota and Wisconsin. Milk utilized in butter and nonfat dry milk production in this April-July 1974 period should be priced below such Minnesota-Wisconsin price by the amount, not to exceed 50 cents, that the butter-powder formula price is less than the Minnesota-Wisconsin price.

Since mid-1968 in the four northeastern markets and for several years prior thereto in the other four markets, reserve milk (Class II milk under the Boston Regional, Connecticut, Indiana, Middle Atlantic, and New York-New Jersey orders and Class III milk under the Eastern Ohio-Western Pennsylvania, Ohio Valley, and Southern Michigan orders) has been priced at the lower of either the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price. Except for a few occasions, these two pricing formulas have been in close alignment. Annually, the butter-powder formula price and the Minnesota-Wisconsin price have been in relative balance. For instance, the butter-powder formula price averaged 5 cents per hundredweight below the Minnesota-Wisconsin price in 1968, 17 cents below in 1969, 10 cents below in 1970, 6 cents above in 1971, 2 cents below in 1972, and 7 cents below in 1973.

Since January 1, 1969, there have been three periods when the Minnesota-Wisconsin price and the butter-powder formula price varied by more than 25 cents per hundredweight. The first period was October-December 1969 and January-April 1970 when the Minnesota-Wisconsin price varied from 31 to 42 cents over the butter-powder formula price; the second period was in August and September 1973 when the butter-powder formula price exceeded the Minnesota-Wisconsin price 36 and 33 cents,

respectively; and finally, since October 1973, the Minnesota-Wisconsin price has exceeded the butter-powder formula price by \$0.47, \$0.78, \$1.13, and \$1.18 for October, November, and December 1973, and January 1974, respectively.

This current unprecedented price disparity between these two formulas is a result of a \$2.32 increase since July 1973 in the prices paid for manufacturing grade milk as reflected in the Minnesota-Wisconsin pay price series compared to an increase of \$1.00 in the butter-powder formula price. Substantive differences between the two price formulas are likely to continue at least through the immediate peak production months.

Substantial quantities of milk used to produce manufactured dairy products are associated with the eight orders. The annual volume of reserve milk supplies priced under the eight orders in 1971, 1972, and 1973 ranged from 26 to 28 billion pounds. Such reserve supplies have represented about 45 percent of the total volume of Class II and Class III milk priced under all Federal milk orders. Moreover, nearly 40 percent of the reserve supplies in the eight markets is produced during the four-month period, April-July.

When considered collectively for all eight markets, the principal regular outlets for reserve milk is in the so-called soft products such as cream, cottage cheese, ice cream, and ice milk mixes and condensed products. To a lesser extent, reserve milk in the eight markets is also used in hard cheese production. During the months of seasonally high production, significant quantities of butter and nonfat dry milk are processed since producer receipts exceed the volume of milk that can be utilized in the other lowest class use outlets.

The butter-powder formula was adopted under these orders principally on the basis that butter and nonfat dry milk plants were used to process milk in excess of Class I and soft product uses. Recently hard cheese production has increased in this northeastern region and such outlet for milk now accounts for a greater proportion of the market for seasonal reserve milk supplies.

A compelling reason that immediate action be taken is to eliminate the competitive disparity that currently exists between processors of reserve milk in the eight markets under consideration and similar processors in other Federal orders and unregulated processors of manufactured dairy products. The competitive market for products manufactured from reserve milk is essentially national in scope. Hence, dairy products manufactured from Federal order priced reserve milk compete with products made from unregulated manufacturing grade milk. In recognition of this fact, it is essential that prices for reserve milk be maintained at comparable levels among Federal order markets with prevailing competitive pay prices for manufacturing grade milk at plants buying such milk.

Under existing circumstances, the current prices of reserve milk as established by the butter-powder price formula in

the eight markets under consideration are substantially below the competitive market value of milk for similar uses in other Federal orders as well as the prices being paid by unregulated processors of manufacturing grade milk. Processors of reserve milk in the eight markets have a substantially lower milk cost and thus higher gross margins are available to them than for their competitors. This disparity, if permitted to continue, will lead to dislocation of normal production and processing patterns and disruption of normal efficient marketing channels. To achieve competitive equality it is necessary to provide uniform pricing of reserve milk under the eight orders herein considered and the adjacent nearby orders to the West as well as align such prices with the competitive pay prices being paid for the majority of unregulated manufacturing grade milk in the United States. It is concluded, therefore, that this objective can best be achieved through the use of the Minnesota-Wisconsin price series.

It is quite evident that current reserve milk prices in the eight markets herein considered are not providing producers a return for that portion of their milk utilized in manufactured dairy products reflecting its full use value. Producers should not be expected to continue to accept less for their milk not needed for Class I uses than its full use value.

The current lower reserve price levels are provided by the butter-powder price formula are significantly depressing the uniform price received by producers. The amount of this depressing effect on uniform prices varies among markets by the proportion of reserve milk for a particular market in a given month. However, the record evidence indicated that the relative impact on uniform prices of using the butter-powder formula price rather than the Minnesota-Wisconsin price in determining reserve milk prices for the four-month period, October 1973-January 1974, in five markets (New York-New Jersey, Boston Regional, Connecticut, Middle Atlantic, and Eastern Ohio-Western Pennsylvania) was a weighted average reduction of nearly 32 cents per hundredweight.

Under this price depressing situation, dairy farmers are not encouraged to maintain milk production at levels necessary to meet current and anticipated market needs for milk and milk products. For the eight markets under consideration, total producer receipts in 1973 decreased 4.8 percent from 1972. Receipts in December were 4.6 percent below a year ago. The percentage of producer milk utilized in Class I in the eight markets increased from 60.3 percent in 1972 to 62.4 percent in 1973. Utilization of Class I milk in December 1973 was 64.4 percent.

Under these market conditions, an immediate increase in reserve milk prices will help encourage the production of

adequate supplies of milk since total U.S. milk production is less than domestic demand for milk and the markets represent a large proportion of total U.S. milk production.

Certain producer groups strongly urged that the current inequities in reserve milk pricing in the eight orders can best be achieved by immediately suspending the application of the butter-powder price formula. Under this proposal, all reserve milk would be priced at the Minnesota-Wisconsin price. This proposed course of action is not adopted since it fails to consider that some reserve milk during this flush period will have no other available market outlet than in butter and powder production which, at present, is a lower-valued use of reserve milk.

As indicated previously, this decision provides for a special price for reserve milk used to produce butter and nonfat dry milk for the April-July 1974 period at not more than 50 cents per hundred-weight less than the price applicable to milk used in other manufactured dairy products. This special price is designed to recognize the lower use value of reserve milk utilized in butter and nonfat dry milk production. It should accommodate the orderly disposition of reserve milk that cannot be utilized in other manufactured products, which may occur during the seasonal flush.

The average prices paid at butter and by-product plants in the U.S. in recent months has not dropped more than 42 cents under the Minnesota-Wisconsin price. An amount in excess of the 50-cent limit adopted, such as the \$1.18 which the butter-powder formula would provide, could result in a special butter-powder price sufficiently below the regular reserve milk price to encourage processors of ice cream and cottage cheese to displace producer milk with nonfat dry milk and butter made from milk priced at the lower special price. The net effect of this potential substitution, if practiced by handlers, would lower total returns to producers.

In order to facilitate and equitably apply this special butter-powder price, the accompanying amendatory orders provide an additional provision to the handler's pool obligation treating the 50 cent price differential as a credit.

To facilitate the marketing of excess milk supplies, milk and cream moved to a nonpool plant for processing into butter and nonfat dry milk should be eligible for the credit to the extent that the amount processed into such products in the plant is sufficient to account for the amount of milk moved to such plant. In the event that there is an insufficient quantity of butter and nonfat dry milk made in a plant to account for the receipts from more than one Federal order source, the quantity processed into butter and nonfat dry milk should be prorated

among those Federal order sources for which a similar price credit is allowed.

Two of the orders, Middle Atlantic and Southern Michigan, contain a base-excess plan of payments to producers. Since the excess price under the orders is based on the lowest class price, the credits on milk used to produce butter and nonfat dry milk appropriately should be allocated against the value of excess milk to the extent that the volume of excess milk is sufficient to cover the volume of milk on which the credit is allowed.

3. *Whether an emergency exists to warrant the omission of a recommended decision.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The current marketing conditions in the aforesaid marketing areas are such that it is urgent that remedial action be taken as soon as possible. It is necessary to correct at the earliest opportunity the disparity in alignment of reserve milk prices under the eight orders with the order prices in the Midwest as well as the prices being paid for manufacturing grade milk. Accordingly, the requests for a recommended decision are denied.

The notice of hearing stated that consideration would be given to economic and emergency marketing conditions relating to the proposed amendments. Certain parties at the hearing requested emergency action be taken. Interim emergency action is necessary pending a detailed review of new pricing formulas presented on the record.

It is therefore determined that good cause exists for the omission of the recommended decision and the opportunity for filing exceptions thereto.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing, separate motions were presented to the Administrative Law Judge that (1) the scope of the hearing be broadened to consider the proposed revision of all classification provisions of the orders, as well as to include the proposed revision of many additional Federal milk orders; and (2) the Department provide information during the hearing as to the identity, type of operation, and market outlet of products

processed by plants handling manufacturing grade milk in the States of Minnesota and Wisconsin. The motions were denied.

In post-hearing briefs, it was requested that consideration be given to a reversal of the rulings.

The Administrative Law Judge's rulings have been reviewed in light of the arguments presented. The rulings, for the reasons stated by the Administrative Law Judge on the record, are hereby affirmed.

GENERAL FINDINGS

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

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk,¹ and an order amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

¹ Filed as part of original document.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

December 1973 (September 1973 for the New York-New Jersey order) is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on: March 27, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

ORDER AMENDING THE ORDER, REGULATING THE HANDLING OF MILK IN THE CERTAIN SPECIFIED MARKETING AREAS.

FINDINGS AND DETERMINATIONS

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and whole-

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

some milk, and be in the public interest; and

(3) The said order as thereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

1. The introductory text of § 100.61(b) preceding the table is revised as follows:
§ 1001.61 Class prices.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butterpowder formula price for the month computed pursuant to paragraph (b)(1) through (3) of this section: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b)(1) through (3) of this section shall not be the Class II price.

2. In § 1001.64, a new paragraph (j) is added as follows:

§ 1001.64 Computation of value of fluid milk products at class prices.

(j) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class II milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1001.61(b)(1) through (3).

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. The introductory text of § 1002.50a (c) preceding the table is revised as follows:

§ 1002.50a Class prices.

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (c)(1) through (3) of this section: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c)(1) through (3) of this section shall not be the Class II price.

PROPOSED RULES

2. In § 1002.70, the introductory text is revised and a new paragraph (f) is added as follows:

§ 1002.70 Net pool obligation of handlers.

Each handler's net pool obligation for milk received at each plant and unit shall be computed separately pursuant to paragraphs (a) through (d) of this section and then combined into one total to be adjusted by any credit applicable pursuant to paragraphs (e) and (f) of this section to determine the handler's total net pool obligation.

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of pool milk classified as Class II milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1002.50a(c) (1) through (3).

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. The introductory text of § 1004.50(b) preceding the table is revised as follows:

§ 1004.50 Class prices.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (b) (1) through (3) of this section: *Provided*, That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price.

2. In § 1004.60, a new paragraph (f) is added as follows:

§ 1004.60 Pool obligation of each pool handler.

(f) Deduct for each of the months from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1004.50(b) (1) through (3).

3. In § 1004.61, paragraph (b) (1) (i) is revised as follows:

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

(b) . . .
(1) . . .

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents: *Provided*, That for each month from the effective

date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1004.60(f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the lesser or 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1004.50(b) (1) through (3);

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. The introductory text of § 1015.61 (b) preceding the table is revised as follows:

§ 1015.61 Class prices.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (b) (1) through (3) of this section: *Provided*, That from the effective date hereof through July 1974 the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price.

2. In § 1015.63, paragraph (g) is revised and a new paragraph (h) is added as follows:

§ 1015.63 Value of each handler's fluid milk products.

(g) Add together the values resulting from the computations described in paragraphs (a) through (e) of this section and subtract therefrom the values resulting from the computations described in paragraphs (f) and (h) of this section. The remainder shall be known as the value of fluid milk products.

(h) Deduct from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1015.61(b) (1) through (3).

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

1. The introductory text of § 1033.51 (c) is revised as follows:

§ 1033.51 Class prices.

(c) *Class III price.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows: *Provided*, That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

2. In § 1033.60, a new paragraph (h) is added as follows:

§ 1033.60 Computation of the net pool obligation of each handler.

(h) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1033.51(c) (1) through (3).

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The introductory text of § 1036.50(c) is revised as follows:

§ 1036.50 Class prices.

(c) *Class III price.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows: *Provided*, That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

2. In § 1036.60, a new paragraph (f) is added as follows:

§ 1036.60 Handler's value of milk for computing uniform price.

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk and used to produce butter or nonfat milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1036.50(c) (1) through (3).

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. The introductory text of § 1040.50 (c) is revised as follows:

§ 1040.50 Class prices.

(c) *Class III price.* The Class III price shall be the basic formula price, but not to exceed an amount computed as follows: *Provided*, That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

2. In § 1040.60, a new paragraph (h) is added as follows:

§ 1040.60 Handler's value of milk for computing uniform price.

(h) Subtract for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk used to produce butter or nonfat dry milk by the

lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1040.50(c) (1) through (3).

3. In § 1040.61, paragraph (d) is revised as follows:

* * * * *
 § 1040.61 Computation of uniform prices for base milk and excess milk (including uniform price and adjusted uniform price).
 * * * * *

(d) The excess milk price which shall be the Class III price pursuant to § 1040.50(c): *Provided*, That for each month from the effective date hereof through July 1974, the excess milk price shall be determined as follows:

- (1) Multiply the total pounds of excess milk for the month by the Class III price;
- (2) Subtract the amount determined pursuant to § 1040.60(h) that is not in

excess of an amount determined by multiplying the quantity of excess milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1040.50(c) (1) through (3); and

(3) Divide the resultant value by the total hundredweight of excess milk. The resultant hundredweight price shall be the uniform price of excess milk of 3.5 percent butterfat content.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. The introductory text of § 1049.50(b) is revised as follows:

§ 1049.50 Class prices.

(b) *Class II price.* The Class II price shall be the basic formula price computed pursuant to § 1049.51, but not to exceed an amount computed as follows: *Pro-*

vided, That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price:

* * * * *
 2. In § 1049.60, a new paragraph (f) is added as follows:

§ 1049.60 Handler's value of milk for computing uniform price.
 * * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class II used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1049.50(b) (1) through (3).

[FR Doc.74-7452 Filed 3-28-74;9:29 am]

Notices

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material supersedes the statements on organization and functions published at 37 FR 20961-20990, 38 FR 23341 and 23342, and 38 FR 30011 and 30012.

Dated: March 25, 1974.

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

1100 ORGANIZATION AND STAFFING

1110 ORGANIZATION AND FUNCTIONS OF THE INTERNAL REVENUE SERVICE

SEC. 1111 Establishment of the Internal Revenue Service.

SEC. 1111.1 Mission.

The mission of the Service is to encourage and achieve the highest possible degree of voluntary compliance with the tax laws and regulations and to maintain the highest degree of public confidence in the integrity and efficiency of the Service. This includes communicating the requirements of the law to the public, determining the extent of compliance and causes of non-compliance, and doing all things needful to a proper enforcement of the law.

SEC. 1111.2 Organic Act.

(1) The Office of the Commissioner of Internal Revenue was established by an act of Congress (12 Stat. 432) on July 1, 1862, and the first Commissioner of Internal Revenue took office on July 17, 1862.

(2) The act of July 1 provided:

"* * * That, for the purpose of superintending the collection of internal duties, stamp duties, licenses, or taxes imposed by this Act, or which may be hereafter imposed, and of assessing the same, an office is hereby created in the Treasury Department to be called the Office of the Commissioner of the Internal Revenue; * * * Commissioner of Internal Revenue, * * * shall be charged, and hereby is charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes, which may be necessary to carry this Act into effect, and with the general superintendence of his office, as aforesaid, and shall have authority, and hereby is authorized and required, to provide proper and sufficient stamps or dies for expressing and denoting the sev-

eral stamp duties, or the amount thereof in the case of percentage duties, imposed by this Act, and to alter and renew or replace such stamps from time to time, as occasion shall require; * * *

(3) By common parlance and understanding of the time, an office of the importance of the Office of Commissioner of Internal Revenue was a bureau. The Secretary of the Treasury in his report at the close of the calendar year 1862 stated that "The Bureau of Internal Revenue has been organized under the Act of the last session * * *". Also it can be seen that Congress had intended to establish a Bureau of Internal Revenue, or thought they had, from the act of March 3, 1863, in which provision was made for the President to appoint with Senate confirmation a Deputy Commissioner of Internal Revenue "who shall be charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the Treasury, or as may be required by law, and who shall act as Commissioner of internal revenue in the absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the office of internal revenue." In other words, "the office of internal revenue" was "the bureau of internal revenue," and the act of July 1, 1862 is the organic act of today's Internal Revenue Service.

SEC. 1111.3 History.

SEC. 1111.31 *Internal taxation.*
Madison's Notes on the Constitutional Convention reveal clearly that the framers of the Constitution believed for some time that the principal, if not sole, support of the new Federal Government would be derived from customs duties and taxes connected with shipping and importations. Internal taxation would not be resorted to except infrequently, and for special reasons. The first resort to internal taxation, the enactment of internal revenue laws in 1791 and in the following 10 years, was occasioned by the exigencies of the public credit. These first laws were repealed in 1802. Internal revenue laws were reenacted for the period 1813-1817 when the effects of the war of 1812 caused Congress to resort to internal taxation. From 1818 to 1861, however, the United States had no internal revenue laws and the Federal Government was supported by the revenue from import duties and the proceeds from the sale of public lands. In 1862 Congress once more levied internal revenue taxes. This time the establishment of an internal revenue system, not exclusively dependent upon the supplies of foreign commerce, was permanent.

SEC. 1111.32 *Background and evolution of present organization.*

(1) Before the establishment of the Office of Commissioner of Internal Revenue, taxes were collected by "Supervisors" of collection districts who were appointed by the President, subject to Senate confirmation. These Supervisors worked under the direct control of the Treasury Department. The Revenue Act of 1813 provided, for the first time, for a "Collector" and a "Principal Assessor" for each collection district, and for deputy collectors and assistant assessors. Collectors and Assessors appear to be the original forerunners of the twentieth century Collectors of Internal Revenue and Internal Revenue Agents in Charge.

(2) Since 1862, the Internal Revenue Service has undergone a period of steady growth as the means for financing Government operations shifted from the levying of import duties to internal taxation. Its expansion received considerable impetus in 1913 with the ratification of the Sixteenth Amendment to the Constitution under which Congress received constitutional authority to levy taxes on the income of individuals and corporations. With the enactment of income tax laws the work of the Revenue Service began to take on a highly technical character.

(3) From the World War I period through 1951, the basic organizational structure of the Internal Revenue Service remained essentially unchanged even though there were marked increases in the number of taxpayers serviced, revenue receipts, employees and the overall workload. The Service was organized, in Washington and the field, on a program or "type-of-tax" basis, with jurisdictionally separate organizations, or "Units," charged with the administration of different types of taxes.

SEC. 1111.4 *Reorganization Plan No. 1 of 1952 and other changes.*

(1) On January 14, 1952, the President of the United States submitted to Congress Reorganization Plan No. 1 of 1952, calling for a comprehensive reorganization of the Internal Revenue Service. On March 13, 1952, the last motion to defeat the Plan was voted down in the Senate, and the Plan became effective on March 15, 1952.

(2) Reorganization Plan No. 1 of 1952 brought about four basic changes in the Internal Revenue Service:

(a) The organization of the Service along functional lines—i.e., operations, administration, technical, planning, and inspection;

(b) The abandonment of the system of political appointments to positions below the Commissioner;

(c) The integration of most field revenue programs under District Directors of Internal Revenue; and

(d) The establishment of a system of regional administration under Regional Commissioners of Internal Revenue.

(3) The Reorganization Plan provided authority for the establishment of 25 Offices of Regional Commissioners (referred to as "District Commissioners" in the Plan). By December 1, 1952, the Offices of 17 Regional Commissioners had been established. The major field programs, including alcohol and tobacco tax enforcement, were integrated under District Directors; the appellate program and the permissive alcohol and tobacco tax functions were placed in the Offices of Regional Commissioners; and, in the National Office, all activities were placed under Assistant Commissioners for Inspection; Operations; and Technical; an Assistant to the Commissioner, and an Administrative Assistant to the Commissioner.

(4) In 1953, a number of organizational refinements were effected. The number of regions was reduced to 9; the field operations of Alcohol and Tobacco Tax were centralized at the regional level; and the delinquent accounts and returns program was transferred from the Audit Divisions in the Offices of District Directors to their Collection Divisions. In the National Office, the position of Deputy Commissioner was established and the Bureau of Internal Revenue was redesignated as the Internal Revenue Service.

(5) Other significant changes since 1953 include establishment of the Offices of Assistant Commissioners for Administration, Data Processing, and Planning and Research; redesignation of the Assistant Commissioner (Operations) as the Assistant Commissioner (Compliance); discontinuance of the Columbus and Toledo (Ohio) districts and consolidation of the Upper and Lower Manhattan districts, effective January 1, 1960; establishment of the Anchorage (Alaska) district on January 1, 1961; transfer on September 13, 1963 of the Director of Practice from the Internal Revenue Service to the Office of the Secretary of the Treasury to be under the immediate supervision of the General Counsel; effective January 1, 1964, reduction in the number of regions to 8 and discontinuance of the districts of Camden (New Jersey), Kansas City (Missouri), Scranton (Pennsylvania), and Syracuse (New York); and, effective January 4, 1965, reduction in the number of regions to 7. On December 19, 1968, Alcohol and Tobacco Tax Division was changed to Alcohol, Tobacco and Firearms Division. Effective July 1, 1971, the Office of Assistant Commissioner (Data Processing) was redesignated Office of Assistant Commissioner (Accounts, Collection, and Taxpayer Service). Effective November 14, 1971, the position of Assistant Commissioner (Stabilization) was

established. Effective July 1, 1972, the Alcohol, Tobacco and Firearms activity was transferred from the Internal Revenue Service to be a separate bureau within the Department of the Treasury.

SEC. 1112 *Service Organization.*

(1) The Internal Revenue Service is a component part of the Treasury Department. The Service is headed by the Commissioner of Internal Revenue who serves under the direction of the Secretary of the Treasury.

(2) The Internal Revenue Service consists of a National Office in Washington, D.C., and a field organization. The latter consists of 7 Internal Revenue regions, each headed by a Regional Commissioner who reports to the Deputy Commissioner; 58 Internal Revenue districts, each headed by a District Director, and 10 service centers, each headed by a Director, who report to a Regional Commissioner; and a computer center and a data center under the direction of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) in the National Office. In addition, there are in the field 7 Regional Inspectors and 7 Regional Counsels, who report to the Assistant Commissioner (Inspection) and the Chief Counsel, respectively, in Washington, D.C.

(3) In administering the appellate functions direct from the regional office, the Regional Commissioner maintains and supervises branch offices headed by Chiefs, Appellate Branch Office, who report to the Assistant Regional Commissioner (Appellate) who also carries the title of Chief, Appellate Division. Chief, Appellate Branch Office, may also supervise sub-offices administered by an Assistant Chief or local representative of the Chief.

(4) The Regional Counsels also maintain and supervise branch offices.

(5) In each Internal Revenue district there are offices in communities where concentration of workload in audit, collection, intelligence, or stabilization activities requires the assignment of personnel.

SEC. 1113 *National Office.*

SEC. 1113.1 *Mission.*

The mission of the National Office is to develop broad nationwide policies and programs for the administration of the internal revenue laws and related statutes, and to direct, guide, coordinate, and control the endeavors of the Internal Revenue Service.

SEC. 1113.2 *Basic Organization.*

The principal offices which form the National Office are: The Office of the Commissioner; the Office of the Assistant Commissioner (Administration); the Office of the Assistant Commissioner (Compliance); the Office of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service); the Office of the Assistant Commissioner (Inspection); the Office of the Assistant Commissioner (Planning and Research); the Office of the Assistant Commissioner (Technical); the Office of the Assistant Commissioner (Stabilization); and the Office of the Chief Counsel.

SEC. 1113.3 *Office of the Commissioner.*

The Commissioner of Internal Revenue, in conformity with policies and delegations of authority made by the Secretary of the Treasury, establishes the policies and administers the activities of the Internal Revenue Service. The Office of the Commissioner includes the Deputy Commissioner, the Assistant to the Commissioner, Assistant to the Commissioner (Public Affairs) and the Tax Administration Advisory Staff.

SEC. 1113.31 *Deputy Commissioner.*

The Deputy Commissioner assists and acts for the Commissioner in planning, directing, coordinating and controlling the policies and programs and in giving executive leadership to the activities of the Internal Revenue Service. The Deputy Commissioner also supervises the Regional Commissioners of Internal Revenue, and makes allocations of funds and personnel to them.

SEC. 1113.32 *Assistant to the Commissioner.*

The Assistant to the Commissioner reviews and takes final action for the Commissioner on documents involving technical matters prepared for the Commissioner's signature, including regulations, reports on proposed legislation, rulings, correspondence, compromises and reports to the Joint Committee on Internal Revenue Taxation involving refunds or credits of any income, war profits, excess profits, estate, or gift taxes in excess of \$100,000. The Assistant to the Commissioner makes independent studies for the Commissioner.

SEC. 1113.33 *Assistant to the Commissioner (Public Affairs).*

The Assistant to the Commissioner (Public Affairs) counsels and advises the Commissioner, Deputy Commissioner and other levels of management on matters where public interest or response is involved in the determination of Service policies and the execution of Service programs. Plans, develops and coordinates the Service-wide policies and programs for providing information to the public through mass communication methods to help improve knowledge and understanding of Federal tax and related laws and their administration, for the primary purpose of encouraging and facilitating maximum voluntary compliance by the public. Conducts continuous studies of the Service's public affairs activities to identify and act on problems and opportunities for improvement. Maintains liaison with and provides functional supervision to regional and district offices in public affairs matters and carries out public affairs programs at the National Office and directs the activities of the Public Affairs Division. Evaluates for the Commissioner public response to Service policies and programs and recommends Service actions where indicated.

SEC. 1113.331 *Administrative Office.*

Provides administrative support for the public affairs function. Coordinates budget formulation and financial planning for the Division and assists in developing staffing, training, and personnel

plans for field public affairs activities. Provides the necessary administrative support to the internal operation of the Division, maintaining liaison with Personnel, Training, Facilities Management, and Fiscal Management personnel. Provides library and reference services for public affairs personnel and a daily newspaper clipping service for top Service and Department officials. Services requests for inspection and copies of exempt organization returns, Abstracts and Statements for accepted offers in compromise. Maintains the Freedom of Information Reading Room and services requests for documents on deposit therein.

Sec. 1113.332 Operations Branch.

Responsible for the continuing relationships and day-to-day contacts with national media and Washington bureaus of media serving local communities, on all aspects of the IRS mission and operations. Media include the press, radio, television, news services, trade associations, and other organizations that provide information to large segments of the public. Seeks out and develops new media outlets. Maintains a knowledge of all significant Service objectives, activities and problems; and an awareness of public interest and news developments which affect the Service. Conducts information activities both in response to media requests and as initiated in response to Service-recognized needs. The activities include answering queries, arranging interviews, reviewing articles, arranging news conferences, organizing public appearances, preparing news releases, radio and television announcements, fact sheets, feature articles, and conducting other information efforts to further Service objectives and assist the media in serving their audiences or members. Responsibilities also encompass assisting field officials in relationships with local media in situations where immediate action is required. Compiles the Commissioner's Letter, National Office Notes and other communications to employees. Responds to public correspondence relating to national news stories.

Sec. 1113.333 Programs Branch.

Responsible for formulating nationwide public affairs programs and providing the information materials, program guidance, coordination, and assistance necessary to implement those programs. Consults with operating officials to determine Service objectives and priorities, develops supporting information themes and objectives, and plans specific information actions, timetables and materials. Develops public affairs audio-visual materials and written materials for distribution to media through IRS field offices. Advises field offices of National Office information programs and projects; provides training, procedural guidance, and program assistance; supervises field visits; analyzes reports and other indicators of program effectiveness; prepares program evaluations and initiates action to improve programs where necessary. Serves as primary point of contact with field Public Affairs Officers and as-

sure prompt National Office response to their inquiries, requests for disclosure guidance under Freedom of Information Act, and other needs. Compiles the Commissioner's Annual Report and the Service segment of the Secretary's Annual Report.

Sec. 1113.34 Tax Administration Advisory Staff.

The Tax Administration Advisory Staff provides leadership within the Service for the development and implementation of comprehensive programs of assistance in tax administration to developing nations, and on occasion, to the more developed nations, in line with the foreign policy of the United States and its commitments to the Organization of American States, the United Nations, and other international institutions. It is the central point of contact within the Service with foreign governments, the State Department and international organizations on all matters involving the exchange of technical assistance in tax administration. The Staff designs broad programs aimed at modernizing and strengthening tax administration in developing countries; it determines program requirements in terms of number and qualifications of advisors and selects, trains, and assigns such advisors. It provides technical leadership and direction, continually monitors, and periodically evaluates country programs to ensure maximum effectiveness of assistance efforts. The Staff develops and arranges study and observation programs in tax administration for foreign tax officials, which are conducted largely in the U.S. and occasionally at overseas sites. The Staff maintains close liaison with the Department of State and the Agency for International Development (AID), foreign governments, international organizations, and the Office of the Secretary on matters concerning the foreign tax assistance program, most of which is conducted cooperatively with AID. The Director, Tax Administration Advisory Staff, has been delegated authority to arrange for and authorize temporary assignment of personnel between the IRS and State and local governments and institutions of higher education. The Director is responsible for determining that requests for individual assignments or for projects of assistance involving several assignments are consistent with the intent of the Act and that the requirements for mutual benefit to the Service and the requesting organization are met. The Director is also authorized to set the amount of the financial support to be provided by the Service and to make such other determinations as are needed. The Staff will furnish or arrange for any necessary technical direction and support of employees on assignment to other organizations.

Sec. 1113.4 Office of Assistant Commissioner (Administration).

The Assistant Commissioner (Administration) is the principal assistant to the Commissioner in planning and executing the Administration program of the Internal Revenue Service, which includes

fiscal management, personnel, facilities management, training, employment policy, and management improvement. Jointly, with other Assistant Commissioners, he participates in the general management of the Service by coordinating Administration with other functions to accomplish the objectives of a comprehensive and well-integrated Revenue program. On general administrative matters represents the Commissioner in relationships with the Congress; the Department of the Treasury Office of the Secretary and other components of the Department of the Treasury; and such agencies as the Office of Management and Budget, the Civil Service Commission and General Services Administration. Supervises the activities of the Fiscal Management, Personnel, Facilities Management, and Training Divisions in the National Office, and is responsible for functional supervision of Administration activities in the field.

Sec. 1113.41 Facilities Management Division—Office of the Director.

Develops, directs, coordinates, and evaluates policies and programs for providing essential support activities for the operating divisions' primary programs and carries them out in the National Office. Its programs are designed to increase the effectiveness of the Internal Revenue Service, reduce its operating costs, and improve taxpayer relations by tailoring Internal Revenue Service physical facilities and by providing support services to best meet the Service's total needs. These programs include information and records systems, space, property, supply, transportation, and telecommunications management, procurement and contracting, printing and distribution, national emergency planning, safety, document and physical security, and the settlement of tort claims. Develops the standards and procedures necessary for effective performance of its functions. This Division consists of five branches: National Office Facilities, Information Systems, Protective Programs, Space and Property, and Publishing Services.

Sec. 1113.411 National Office Facilities Branch.

Develops, coordinates, directs, and evaluates the Contracting and Procurement Programs of the Internal Revenue Service. Develops procurement policy and procedures, and provides guidelines and consultative assistance for all Internal Revenue Service Procurement Programs. Appraises procurement programs through a systematic program of visits to field offices and through review and analysis of reports and accomplishments. In addition, develops, coordinates, directs and evaluates all Facilities Management programs and activities (except printing and distribution and National Office emergency relocation planning) within the National Office, including the National Training Center and the National Computer Center, within the broad guidelines established by the Division Director. These activities include: information and records systems, space management, transportation management,

property and supply management, telecommunications management, protective programs, and contracting and procurement. Maintains liaison with National Office officials, other Government agencies, public utilities, contractors, private carriers, and other private and public organizations to coordinate and improve service in all of these activities.

Sec. 1113.412 Information Systems Branch.

Plans, develops, promotes, coordinates, and evaluates programs designed to increase the effectiveness of Servicewide operations in the following areas: Records Management—documentation standards; correspondence; and the management of records creation, retrieval, retention, and disposal; Information Systems Analysis—internal mail and files management; management of information and records handling equipment and supplies; studies of information utilization and flow, and of paperwork management; analysis, either singly, or in collaboration with the Systems Development Division of the information needs of management at various levels of the Service, and the development of reporting and management information systems to effectively and economically meet those needs; guidelines and standards for application of microphotography (excepting microphotographic publishing), and other information handling and word processing technology; Reports Management—development of Servicewide reports management policies, procedures, and standards; control, review and evaluation of National Office generated reporting and management information systems; maintenance of a Servicewide information inventory and of the National Office Reports Catalogue; Mail and Transportation Management—coordination and planning for those services provided by the U.S. Postal Service, or private shippers and service units of IRS, for physically transporting, controlling, delivering, sorting and distributing material in solid forms such as correspondence, documents, receipts, microfilm, or magnetic tape; Telecommunications Systems—services and facilities for transmitting and receiving data and information and the operation of telephone, telegraph, facsimile, and data communications systems, equipment and circuitry. The Branch determines the need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service; provides standardized techniques, guidelines, and consultative services needed in these areas by the Service. Collaborates with the Systems Development Division in matters involving communications and information storage and retrieval systems. Acts as liaison for the Service with other Federal agencies and industry in matters concerning Branch program activities.

Sec. 1113.413 Protective Programs Branch.

Develops, coordinates, administers, and evaluates Servicewide programs of civil

defense and emergency planning which includes contingency plans for coping with demonstrations, civil disorder and bomb threats; accident prevention; physical and document security and identification. Ensures continuity of operations by preventing or minimizing loss through accident, employee injury, fire, theft, enemy attack, natural disaster, and civil disturbance, and breaches of security of facilities, equipment, and documents. Exercises the authority to settle claims arising out of the activities of the Internal Revenue Service under the Federal Tort Claims Act, the Military Personnel and Civilian Employees' Claims Act and the Claims Collection Act, and administers the program to ensure equitable settlement and payment of claims.

Sec. 1113.414 Publishing Services Branch.

Plans, develops, coordinates, administers, and evaluates the policies, systems, procedures, and standards for the publishing needs of the Internal Revenue Service in consonance with the Congressional Joint Committee on Printing Regulations. Participates in agency-wide program planning and development. Responsible for the fiscal control, planning, analysis, graphic design, requirements determination, procurement, integrated scheduling, inventory maintenance, and distribution of all published material. Administers the Servicewide forms management program and the publishing systems for forms, publications and envelopes. Provides for comprehensive graphic presentation program assistance and services. Initiates, directs, and coordinates studies to develop or improve processes in the publishing and graphic arts fields including duplicating and printing equipment; office reproduction machines; electronic composition; visual media; inventory, storage, and mail and distribution systems for published material. Provides functional supervision and logistical support to field components for the management of printing (including procurement), forms, graphic design, and distribution. Represents IRS in liaison and negotiation with other governmental agencies, private industry groups, and the public on matters pertaining to IRS publishing activities.

Sec. 1113.415 Space and Property Branch.

Plans, develops, promotes, coordinates, and evaluates programs designed to increase the effectiveness of Servicewide operations in the following areas; Space Management—planning requirements for IRS space, providing standards for environmental quality programs and for the acquisition, maintenance, utilization and disposal of space to ensure an effective, efficient, and appropriate physical working environment for all Service employees, and a pleasing environment for public visitors; Property and Supply Management—conducts utilization studies, establishes requirements, designs, disposes of and maintains furniture, furnishings, certain non-capitalized and capitalized equipment including data

processing auxiliary and accessory equipment; manages property accountability and the IRS motor vehicle fleet management; Electronic Support Systems—provides support services for the requirements, procurement, installation and inspection of electronic data processing systems and other electronic, electro-mechanical audiovisual and other computerized or automated devices, equipment and systems; analyzes and conducts power reliability studies for IRS buildings. The Branch determines the need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service; provides standardized techniques, guidelines, and consultative services needed in these areas by the Service. Confers and collaborates with the Systems Development Division and the Accounts and Data Processing Division in matters involving new systems and equipment related to branch functions, and with other government agencies and private industry to assure proper installation. Acts as liaison for the Service with other Federal agencies and industry in matters concerning Branch program activities.

Sec. 1113.42 Fiscal Management Division.

Develops, plans, coordinates and evaluates the financial management and budget policies and programs of the Internal Revenue Service. Develops and assists in the justification of the Service's budget; advises on its execution; establishes procedures covering the accounting system for appropriated funds; and directs the budget and fiscal activities carried out in the National Office. Counsels and advises the Commissioner, the Deputy Commissioner and all levels of management on matters concerning budget and the fiscal management of funds appropriated for the administration of the Service. The Division, under the direction of the Fiscal Management Officer, consists of two branches: Accounting Branch and Budget Branch.

Sec. 1113.421 Accounting Branch.

The Accounting Branch develops, prescribes, and installs the Service's financial accounting system to produce timely and accurate data for budgetary and fiscal management purposes. It also collaborates with Planning and Analysis and Facilities Management Divisions in developing and administering the financial reporting system, as it relates to IRS management information systems.

Sec. 1113.422 Budget Branch.

The Budget Branch develops the Service's budget in conformance with the established over-all program policies through consultation and cooperation with the responsible operating officials. It prescribes budget procedures and directs the preparation of budget estimates for the Service; participates in the development of standards for the measurements of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment of reapportionment of

appropriations; allots funds in accordance with the approved financial plan and properly authorized revisions thereof; establishes the procedures and records necessary to properly reflect the execution of the budget; and collaborates with the Planning and Analysis and Facilities Management Divisions in developing and administering a reporting system reflecting the status of the budget and financial plan, as it relates to IRS management information systems.

Sec. 1113.43 Personnel Division—Office of the Director.

Plans, directs and leads in the development, coordination and evaluation of the personnel policies and programs of the Service. Provides functional supervision over personnel operations throughout the Service and personnel programs in the regions, districts and service centers, including long-range planning, organization and staffing studies, staff development and program evaluation. Administers centralized personnel activities including those for employees of the National Office. Acts as appellate office for the Commissioner on adverse action and grievance appeals and designates hearing officers when requested. Through the Technical Advisor directs appropriate personnel activities to promote effective manpower utilization. Prepares certain Servicewide personnel reports for the Civil Service Commission and other agencies. Exercises line supervision over the Eastern and Western Assessment Centers in their activities involving evaluation of candidates for supervisory, managerial and executive positions. Reviews and approves Servicewide security clearances for non-critical sensitive positions.

Sec. 1113.431 Union Relations Branch.

Develops and coordinates policies, procedures and instructions in the areas of union-management relationships, employee conduct, disciplinary actions and appeal procedures. Serves as IRS functional specialist; reviews, evaluates, assists, interprets, disseminates information and exercises functional supervision over Service activities in these program areas. Acts as liaison between the Service and the Office of the Secretary, Treasury Department Bureaus, and Civil Service Commission and other Federal agencies and provides comments on legislation, for these program areas. Responsible for liaison, consultation and negotiation with unions.

Sec. 1113.432 Employment Branch.

Develops and coordinates policies, procedures, and program instructions including technical training programs for the employee programs of the Service such as: recruitment; selection; placement; appointment; career status; details; veteran's preference; orientation and placement follow-up; reduction-in-force equal employment; separations; awards and incentive programs; high quality increases; pay administration; employee benefits and services; fitness for duty; and recreation and fund-raising. Develops and coordinates redeployment programs and procedures; coordi-

nates, as required, personnel programs affecting service center installations. Develops and coordinates policies and procedures pertaining to participation of the Interagency Boards. Reviews and advises on budgetary and staffing proposals relative to recruitment, selection and utilization of personnel. Exercises functional supervision over counterpart operations throughout the Service, and participates as functional specialists in evaluation of field programs. Provides staff expertise in personnel management techniques for the development and application of automated processes to personnel management. Administers the Personnel Reports Management System. Processes Section 6(c) retirement cases.

Develops and maintains automated personnel data specifications; coordinates these specifications with the IRS Data Center and submits them to the Data Center for implementation.

Sec. 1113.433 National Office Branch.

Develops and executes policies, programs and procedures relating to recruitment, selection, placement, employee relations, position classification, discipline, performance evaluation promotion, manpower utilization, and other aspects of a complete personnel program for National Office and certain field positions with the exception of those requiring Treasury or Civil Service approval; reviews the budget for proposed position reallocations pertinent to the above positions. In addition, performs the following duties pertaining to Servicewide programs: renders support to the Tax Administration Advisory Staff; administers National Placement Program; reviews and processes regional employment cases for which authority has not been delegated to regions; processes proposals for Gallatin Awards; and answers general inquiries and other correspondence concerning applications for employment, reassignment, promotion, etc.

Sec. 1113.434 Position Management Branch.

Plans, develops and coordinates procedures and program instructions to enable line managers to most effectively establish and manage positions in their organization. Provides advice to managers as to job content, grade structure and organization design. Assists managers in assessing position management effectiveness in their organization. Working with functional representatives, develops occupational standards and guides such as case classification guides, rating schedules, classification and qualification guides. Coordinates with the Office of the Secretary on all classification, position management and occupational standards questions requiring the Secretary's Office's consideration. Exercises Servicewide functional supervision for position management operations. Provides program advice and assistance to Regional Offices and National Office Branch and assesses their program effectiveness. Performs such centralized services as classification of positions for which authority has not been delegated to the field, development of standard po-

sition descriptions, and preparation of recommendations and justifications for classification of supergrade positions. Adjudicates classification appeals and administers Wage Grade Systems. In collaboration with the Training Division, formulates and provides functional classification training courses to maintain and improve the level of technical excellence in the execution of the Servicewide position management program; and develops, negotiates and administers Servicewide training agreements.

Sec. 1113.435 Careers Branch.

Develops and coordinates policies, procedures, and program instructions for the Service's technical, supervisory, managerial, and executive career programs. Develops techniques and criteria for evaluating supervisory, managerial, and executive potential; exercises functional personnel direction, over implementation and follow-through on career programs; performs essential personnel services for career programs for supervisory and managerial positions; provides staff assistance to the Executive Resources Board which selects and assigns executive personnel; and administers the employee performance evaluation and promotion programs. Provides staff expertise in personnel management techniques including the conduct and direction of studies requiring the use of psychological and other social science methodology; coordinates and administers the IRS testing program (noncompetitive written test).

Sec. 1113.44 Training Division—Office of the Director.

The Director formulates and recommends overall training policies of the Internal Revenue Service and provides professional training leadership and guidance to Service Officials and personnel. Performs the following functions: Conducts research and special studies to determine the best methods of employee development for the Service, and provides expert advice and counsel on training techniques and methodology; in cooperation with IRS management, the Director identifies the need for, and administers Service training programs, approves and is responsible for development and preparation of training courses and program materials, and supports the Tax Administration Advisory Staff; determines program emphasis and goals, establishes standards and procedures for the effective and efficient administration of Service training programs, and evaluates training for effectiveness and economy; administers the Taxpayer Education Program and coordinates the efforts of the field and National Office divisions concerned; advises on and approves training costs estimates for all Servicewide training, and administers the special fiscal allotment (250) used to finance centralized training activities; carries out the training policies and programs of the Service in the National Office.

Sec. 1113.441 Administrative Services Office.

Provides administrative support for the Training function. Performs the following: Assists the Director in carrying

out Servicewide administrative management responsibilities related to the Training function; coordinates and maintains overall Servicewide training budget formulation and execution, and work and financial plans; develops, coordinates, and maintains the Training Manual System; coordinates and develops intra-divisional projects such as budget formulation, work and financial plans, and PPBS updatings; conducts studies of intra-divisional activities; conducts special intra-divisional projects of an administrative nature; provides all necessary administrative support for internal operations of the Training Division.

Sec. 1113.442 Compliance Training Branch.

Provides professional training support for the Compliance technical training program (Audit; Intelligence; and Appellate). Jointly and in cooperation with appropriate Compliance officials, performs the following functions: Determines training priorities and goals of the Compliance technical training programs; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates and conducts Compliance technical training programs; evaluates the implementation and effectiveness of the total Compliance technical training program; supports, coordinates, and evaluates field Compliance technical course development. In addition: Monitors all pilot Compliance technical training projects and administers those conducted centrally; reviews and updates training methods, instructional techniques, materials, and supervisory practices as they relate to training; keeps Compliance technical training materials current; in cooperation with Compliance officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; with assistance of National Training Center and Compliance, develops Compliance technical training guidelines and standards, and conducts experimental projects.

Sec. 1113.443 ACTS Training Branch.

Provides professional training support for the Accounts, Collection and Taxpayer Service technical training program. Jointly and in cooperation with appropriate ACTS officials, performs the following functions: Determines training priorities and goals of the ACTS technical training program; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates and conducts ACTS technical training programs; evaluates the implementation and effectiveness of the total ACTS technical training program; supports, coordinates, and evaluates field ACTS technical course development; monitors all pilot ACTS technical training projects and administers those conducted centrally; reviews and updates training methods, instructional techniques, materials and supervisory practices as they relate to training, keeps ACTS technical training materials current; in cooperation with ACTS

officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; in cooperation with Taxpayer Service officials, plans, designs, coordinates and evaluates appropriate and useful informational and educational materials for public use; with assistance of National Training Center and ACTS, develops ACTS training guidelines and standards, and conducts experimental projects.

Sec. 1113.444 Management Training Branch.

Provides professional training support for the Service in areas of organizational and career development; executive management, and supervision; cross-functional; and Career Education Awards. Performs the following functions: In cooperation with key Service officials, determines general and functional supervisory, management, and executive training goals of the Service, identifies training needs and, in cooperation with the appropriate Service activities and functions, defines supervisory, management and executive training objectives; plans, designs, develops, coordinates and conducts supervisory, management and executive training programs; evaluates the implementation and effectiveness of total supervisory, management and executive training programs; supports, coordinates and evaluates field supervisory and management course development; monitors all pilot supervisory and management training projects and administers those conducted centrally; reviews and updates supervisory, management, and executive training methods, instructional techniques and materials; in cooperation with appropriate IRS officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; reviews, coordinates and evaluates Service's Organizational Development and Career Development Programs; establishes guidelines, coordinates and evaluates Servicewide Administration and Equal Employment Opportunity Training Programs; develops guidelines for and administers Career Education Awards; supports Tax Administration Advisory Staff in determining training needs of foreign tax officials and developing training programs to meet these needs; in cooperation with appropriate organizations, develops and conducts communications and cross-functional training programs.

Sec. 1113.445 National Office Training Branch.

Provides professional training support for the National Office, Inspection, Chief Counsel, National Computer Center and the Data Center. Performs the following functions: In cooperation with key National Office officials, determines clerical, technical, supervisory, and managerial training goals for National Office personnel; identifies training needs and, in cooperation with National Office officials, defines training objectives and establishes training priorities; plans, designs, develops, coordinates, conducts and eval-

uates all National Office intra-functional training programs, plus appropriate cross-functional training programs (e.g., supervisory, communications, instructor training, clerical skills); in cooperation with appropriate officials, determines training priorities, goals, and objectives for Inspection, Chief Counsel, National Computer Center and Data Center; plans, designs, develops, coordinates, conducts and evaluates Inspection Chief Counsel, National Computer Center and Data Center training programs; administers, reviews and monitors pilot training projects; keeps National Office Inspection, Chief Counsel, National Computer Center and Data Center training materials current; reviews and updates training methods, instructional techniques and materials; administers training facilities in the National Office.

Sec. 1113.446 National Training Center.

Provides the educational research and development and specialized techniques input to the Training Division. Performs the following functions: Conducts research in training methodology and techniques; monitors and conducts experimental projects utilizing advance training technology; evaluates and determines feasibility of experimental projects becoming operational training programs; establishes Servicewide standards in training methodology, techniques and equipment, and develops materials requiring specialized training staff support; develops Servicewide guidelines for instructor and course-developer training; establishes standards for Servicewide staff development in specialized skills of training profession, and coordinates training staff development; establishes the standards for and coordinates the administration of the Regional Training Center network; maintains library at NTC; coordinates development and production of Servicewide materials requiring specialized staff support (e.g., videotape, film strip); maintains control and oversees distribution of Servicewide printed materials; administers the National Training Center facility.

Sec. 1113.5 Office of Assistant Commissioner (Compliance).

The Assistant Commissioner (Compliance) is the principal assistant to the Commissioner on all matters pertaining to the compliance and appellate programs of the Service, in encouraging and achieving the highest possible degree of voluntary compliance by taxpayers, and in providing effective functional supervision of those activities in the field. These include audit and investigation of returns; criminal fraud investigations; the administrative system of tax appeals; administration of laws relating to alcohol, alcoholic beverages, tobacco, firearms, and explosives; and the receipt and processing of wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications. Through the Disclosure Staff, in the immediate Office of the Assistant Commissioner, administers the disclosure provisions of the law and regulations concerning inspection of returns

and other matters of official record; administers the Freedom of Information Act and regulations; administers the regulations governing testimony of Service employees in nontax matters; administers the tax check program involving high level Federal employees; and certifies documents under the Treasury Department seal, furnishing copies where appropriate. The Assistant Commissioner (Compliance) directs, coordinates and evaluates the work of the Appellate Division, the Audit Division, the Intelligence Division, and the Office of International Operations.

Sec. 1113.51 [Reserved]

Sec. 1113.52 Appellate Division—Office of the Director.

Accomplishes the Appellate mission of resolving tax controversies without litigation, on a basis which is fair and impartial to both the Government and the taxpayer by developing and supervising (functional supervision) nationwide programs for final appeal consideration, within the Service, of cases involving income, profits, estate, gift, employment and excise taxes (other than alcohol, tobacco, narcotics, firearms, and wagering), offers-in-compromise, refund claims and overassessments, in which the taxpayer protests the decision of the District Director, and of cases docketed in the United States Tax Court (with concurrence of Regional Counsel and prior to the opening date of the Tax Court session concerned). Develops nationwide Appellate budget estimates and long-range plans; evaluates financial plans and budget execution of regional Appellate Divisions. Conducts Appellate Reports and Information Retrieval Activity (ARIRA) programs and nationwide Appellate reporting system. Collaborates with Planning and Research, Accounts, Collection, and Taxpayer Service; and other segments of the Service in a research effort to create a comprehensive information storage and retrieval system. Furnishes administrative services for the operation of the Appellate Division of the National Office. Also directs or performs certain centralized Appellate functions.

Sec. 1113.521 Coordination and Management Staff.

Assists in developing and recommending policies, plans, programs, and basic procedures and provides top-level managerial assistance through the following principal functions: Develops and recommends operations policies, plans, programs, and basic procedures relating to the Appellate function. Assists and advises regional Appellate offices on technical and administrative problems to enable them more effectively to accomplish their objectives. Establishes and conducts a field visitation program, and maintains continuous field liaison to assure that established policies, programs, plans, and instructions are carried out in a uniform, effective manner. Evaluates adequacy of staffing and managerial performance in regional Appellate offices. Performs coordination functions across regional lines and with other Service elements. Supervises task forces working on special projects

such as training, position descriptions, offices systems, and management improvement. Represents the Director in meetings of National Office and regional officials, and staff members serve on various committees as designated. Analyzes and interprets program status and progress in accomplishing the overall Appellate mission. Originates statistical analyses and graphic presentations with explanations and interpretations to disclose program status and progress with trends and deviations highlighted. These analyses serve as the basis for program direction and long-range program planning for the Appellate activity.

Sec. 1113.522 Programs and Procedures Branch.

Conducts program and procedural studies concerning Appellate activity and recommends methods to efficiently accomplish Appellate mission. Reviews and analyzes operational reports, field issuances and compiled data (such as ARIRA tables) to identify significant trends, procedural problems, etc., and submits recommendations to Director, where appropriate. Provides procedural instructions and procedural advice to Appellate field organization to effectively implement policies, plans, and programs relating to Appellate function. Maintains Part VIII of the Internal Revenue Manual and related Handbooks and coordinates Appellate procedures with other functions concerned. Provides material for inclusion in Statement of Procedural Rules concerning Appellate activity. Supervises task forces working on special projects relating to Appellate programs and procedures. Develops and coordinates training programs to improve skills of Appellate personnel. Provides forms and form letters for use in Appellate operation. Considers and processes employee suggestions submitted under the Incentive Awards Program relating to Appellate and implements those that are adopted.

Sec. 1113.523 Special Services Branch.

Advise and assists in cases involving controversies as to valuation through the following principal functions: Participates in the development of Service position and procedures in complex valuation matters. Helps to maintain uniformity of treatment of valuation issues throughout the regional Appellate Divisions by furnishing advice, and conducting training sessions. Furnishes expert advice and assistance to the National Office, regional Appellate Division, and Regional Counsel on difficult valuation problems. Provides expert witnesses to testify at trials involving complex valuation issues. Develops programs and techniques aimed at eliminating, to the greatest extent possible, the need for time consuming trials of valuation issues in the Tax Court or other courts. Provides regional Appellate Divisions with technical assistance of a general nature through the following principal functions: Analyzes and processes requests for technical information and digests technical information and other technical

communications for dissemination to Regional Offices when information is of general Appellate interest. Maintains liaison on matters relating to cases requiring submission to the Congressional Joint Committee on Internal Revenue Taxation. Develops and aids in formulation and presentation of Appellate technical seminar programs. Recognizes need for specialized technical workshops and prepares program materials for them. Post-reviews closing agreements approved by regional Appellate officials. Also reviews closing agreements prior to submission to the Assistant Commissioner (Compliance) for approval. Identifies troublesome technical or qualitative areas and trends; and recommends solutions to help Regional Offices meet their objectives. Conducts special studies (such as prime issues) to assist the Director and the Assistant Regional Commissioners (Appellate) in their programming and long-range planning. Administers a continuing program for evaluating and analyzing regional post-review effectiveness.

Sec. 1113.53 Audit Division—Office of the Director.

Accomplishes the Audit mission of encouraging and achieving the highest possible degree of voluntary compliance by taxpayers and tax exempt organizations with the tax laws. This is accomplished through developing and functionally supervising well designed and executed examination programs which utilize appropriated resources effectively and through plans for optimum audit programs in the future. These programs and plans provide for determining types and degrees of noncompliance and taking effective action to increase compliance. Also supervises the performance of certain centralized audit functions.

Sec. 1113.531 Office Services Staff.

Furnishes services in support of the Audit Division. Maintains liaison with the Office of the Assistant Commissioner (Administration) on fiscal, personnel, training, and facilities matters. Provides centralized mail, files, distribution, messenger, and library services for the Division.

Sec. 1113.532 Programs Branch.

Plans, implements, and evaluates nationwide programs for the examination monitoring of Audit Division's portion of income, excise, employment, and estate and gift tax returns. Responsible for the development, implementation, and monitoring of Audit Division's portion of other enforcement programs. Provides assistance to field components in the conduct of their returns examination programs. Develops long-range plans and strategies for the accomplishment of its portion of the Audit mission. Issues IRM and other procedural material required for the execution of examination programs. Participates with other Compliance activities. Technical, and ACTS in the development and implementation of examination programs. Participates in planning and is responsible for implementing the returns classification program. Prepares replies to correspondence

relating to income, excise, employment, and estate and gift tax matters.

SEC. 1113.533 Exempt Organization Examination Branch.

Plans, implements, and evaluates nationwide programs for the examination of exempt organization returns and records. Responsible for the development, implementation, and monitoring of the Audit Division's portion of the pension trust program. Plans and implements the program for issuance of exemption determination letters. Develops long-range plans and strategies for the accomplishment of its portion of the Audit mission. Maintains close communication and liaison with the Office of the Assistant Commissioner (Technical) on both exempt organization and pension trust matters. Reviews or post reviews revenue agent reports for quality and uniformity of exempt organization examinations. Issues IRM and other procedural material required for the execution of exempt organization and pension trust examinations. Determines uses to be made of the Exempt Organization Master File (EOMF) data and works with other Service activities in fulfilling their needs from the EOMF. Also determines uses for the Employees' Plans Master File (EPMF) and coordinates with the office of the Assistant Commissioner (ACTS) in such matters. Prepares replies to correspondence relating to exempt organization matters.

SEC. 1113.534 Centralized Activities Branch.

Provides technical coordination on complex Audit matters with other Compliance activities, Assistant Commissioner (Technical), and the Chief Counsel, Plans, implements, and monitors nationwide programs for Joint Committee, conference and review programs. Monitors and reports on cases docketed for Tax Court and assists Chief Counsel and Department of Justice in trial and settlement of cases. Performs centralized activities relating to qualification for enrollment and practice. Monitors the providing of necessary management services for the Audit activity and serves as liaison with the Office of the Assistant Commissioner (Administration) on administrative matters affecting the entire Audit activity.

Provides liaison with the Office of the Assistant Commissioner (Technical) and the Tax Forms Coordinating Committee on Audit matters. Conducts economic studies pertinent to Section 482 allocations and post reviews and provides expert testimony concerning such allocations. Issues IRM and other procedural material required for the execution of the branch's programs. Prepares answers to correspondence deemed to be nationally significant concerning field Audit operations (with the exception of exempt organization and pension trust matters).

SEC. 1113.535 Resources and Analysis Branch.

Responsible for integrating the program planning and evaluation activities,

such as budget, PPB and NORP support for the Audit activity. Regulates all program research activities for the Division including TCMP, DIF development, and other special analytical studies. Responsible for providing the Director and the other Audit branches with timely analyses of overall program effectiveness with regard to both resource expenditure and results achieved. Prepares Division submissions for PFP and budget requests. Plans, implements, and monitors programs to provide management information such as SCRIP. Provides functional direction to the Audit Service activity. Plans the Audit classification of returns program. Issues IRM and other procedural material required to carry out the branch's programs. Provides coordination support for the Audit activity in respect to services provided by the ACTS organization.

SEC. 1113.54 [Reserved]

SEC. 1113.55 Intelligence Division—Office of the Director.

Accomplishes the Intelligence mission with reference to enforcement of the criminal statutes applicable to income, estate, gift, employment, and certain excise tax laws by developing and supervising (functional supervision—which includes evaluation) nationwide programs for the investigation of suspected criminal violations of such laws and the recommendation of prosecution and/or assertion of the 50% ad valorem addition to the tax, when warranted, development of information concerning the extent of criminal violations of all Federal tax laws (except those relating to alcohol, tobacco, narcotics, and firearms), and measurement of the effectiveness of the investigation process. The Division also conducts, coordinates, and directs the investigation of cases which have been centralized, and performs certain other centralized Intelligence functions.

SEC. 1113.551 Administrative Office.

Is responsible for furnishing administrative services for the operation of the Intelligence Division of the National Office by: developing and preparing budget requests and financial plans as well as supervising budget execution, providing for the administrative needs of the Division (such as providing and maintaining investigative and administrative central filing systems and processing mail, and maintaining liaison with the Office of Assistant Commissioner (Administration) on all National Office Intelligence Division matters (including fiscal management, personnel, training, and facilities management matters); developing and preparing projections of personnel costs and staffing charts; collaborating with Administration in the procurement of investigative equipment for field and National Office use, and maintaining inventory and current records as to location of Intelligence Division investigative equipment; and conducting special studies relating to personnel, space, budget and equipment.

SEC. 1113.552 Staff Assistance (Visitation).

Is responsible for: planning and conducting a visitation program for on-site evaluation, guidance, and assistance; coordinating with, and maintaining close liaison with each of the several branches of the Division for the purpose of inquiring into specific field activities of special interest to each of the branches and keeping each fully apprised of conditions and developments in the field.

SEC. 1113.553 Operations Branch.

Is responsible for: providing the field with operational assistance, and conducting, directing, and coordinating the investigation of centralized cases by: interviewing informants, maintaining liaison with Committees of Congress, representatives of the Service and other Government agencies in order to obtain, develop, and disseminate to the field pertinent information relating to tax evasion; coordinating, conducting, or directing investigations which are inter-regional in scope, of a sensitive nature, or of national interest; responding to communications on matters pertaining to operations; keeping Service and Treasury officials informed of significant developments in sensitive cases and those of national interest; identifying operational and management deficiencies in investigations coordinated, conducted, or directed by the National Office and initiating corrective action or referring identified deficiencies to the appropriate branch; and maintaining a program for case research and development including establishment of criteria for use in the automatic processing of returns to aid in identification of returns having criminal potential; and participating, as directed, in field visits.

SEC. 1113.554 Program Branch.

Is responsible for: providing effective management and technical programs, plans, and procedures for accomplishment of the Intelligence mission and identifying as well as correcting deficiencies in programming, planning, and procedural guidelines, including the Manual and the investigative handbook, through statistical analyses and studies, review of policies, management reports, reports of field visits and other issuances, and through consultation and coordination with other Service elements. Consulting and coordinating with other Service elements on such matters as the findings in internal audit reports, legislative proposals, development of organizational and staffing standards and personnel classification standards; collaborating with the Planning and Analysis Division in developing the Intelligence Division's long-term program objectives and resource requirements within the Service's Long Range Planning System; collaborating with the Fiscal Management Division in the evaluation of field financial proposals; submitting recommendations for the allocation of Intelligence personnel and funds; collaborating with the Information Systems Branch for the report of management and investigative accomplishments; consolidating, evaluating, and disseminating information reflecting accomplishments of programs and plans; preparing the Intelligence portion of the

Cost Reduction—Management Improvement Report and the Commissioners Annual Report; and participating, as directed, in field visits.

Sec. 1113.555 Technical Development Branch.

Is responsible for: developing and maintaining professional skills of special agents, developing investigative techniques and performing certain support functions in the accomplishment of the Intelligence mission by: conducting studies and developing Intelligence training programs in collaboration with the Training Division; directing and conducting centralized Intelligence training programs; instructing at, and collaborating in the program development and conduct of the Criminal Investigators School; maintaining liaison and providing technical guidance on and participation in course development and instruction which is carried out at the National Training Center for the Intelligence Division; coordination and evaluating field training; identifying deficiencies in training programs and materials and initiating corrective action or referring identified deficiencies to the appropriate branch; developing Intelligence investigative equipment standards and allocating investigative equipment and automobiles to the field; keeping abreast of developments in the use of automatic data processing equipment by taxpayers and third parties, such as banks, brokerage houses, and insurance companies to determine the type and extent of training needed by special agents to obtain necessary financial information where automatic data processing equipment is used; cooperating with the Personnel Division in the development of guidelines and standards for recruitment, selection, and career development of Intelligence personnel; preparing final Intelligence recommendations in cases unresolved at regional level; evaluating and recommending disposition of Incentive Awards suggestions; maintaining a current record of special skills of individual special agents; disseminating information on current developments, such as legal decisions, unique defenses, and unusual investigative approaches, through the issuance, monthly, of the Intelligence Digest; collaborating with the Public Affairs Division in the preparation of news releases regarding closed cases; collaborating with the Tax Administration Advisory Staff and the National Training Center in orientation of enforcement officials of other Federal agencies and of State and foreign governments concerning Intelligence techniques, procedures and practices, and participating, as directed, in field visits.

Sec. 1113.56 Office of International Operations—Director of International Operations.

The Office of International Operations administers the Internal Revenue laws and related statutes (except those relating to alcohol, tobacco, narcotics and firearms) as they relate to citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from

sources within the United States, and taxpayers who are required to withhold tax on income flowing abroad to non-resident aliens and foreign corporations; acts as staff advisor to the Assistant Commissioner (Compliance) in the international area on all compliance functions, and as the international specialist provides assistance and guidance to the Compliance Divisions and makes recommendations on all aspects of the international enforcement program to the Assistant Commissioner (Compliance) and the Division Directors concerned; acts as competent authority in administering the operating provisions of tax conventions; performs and coordinates for the Service all foreign investigations and requests for information (other than those relating to rulings, regulations or assistance in the field of foreign tax administration) from foreign countries and United States possessions. Also computes and collects taxes due from the Alien Property Custodian, administers the provisions of the Internal Revenue Code authorizing the acceptance of foreign currency in payment of United States tax liabilities, coordinates foreign travel of Service personnel, and maintains foreign posts.

Sec. 1113.561 Administrative Office.

Responsible for the personnel, training, budget and fiscal and general administrative services, including procurement and supply, printing and communication services and other administrative services necessary to the effective operation and management of the Office of International Operations, including Foreign Posts and the Puerto Rico Office. Coordinates and develops the management improvement and incentive awards programs and special projects. Initiates and administers the security, safety and records management program. Develops the financial plan and budget estimates, fiscal programs, cost estimates, and is responsible for control of funds, report on budget execution and International Transaction estimates. Coordinates in conjunction with the Facilities Management Division the printing requirements and distribution of special publications, documents and tax forms required by the Office of International Operations, and the distribution of all tax forms to the United States Embassies and Consulates.

Sec. 1113.562 Collection and Taxpayer Service Division.

The Collection and Taxpayer Service Division is responsible for the receipt and transmittal of tax returns and documents received in the Office of International Operations; filed by nonresident liens, foreign corporations, nonresident alien estates, withholding agents (Forms 1042), information returns with respect to foreign corporations (Forms 959), and information returns with respect to foreign personal holding companies (Forms 957 and 958); the deposit to the credit of the Service Center Director of tax remittances received in OIO. Authorizes extensions of time for filing; provides year round taxpayer service to citizens and aliens; administers the automatic exchange of information and reciprocal

collection provisions of tax treaties with foreign countries. Is responsible for the collection of delinquent accounts through distraint, seizure, levy and other means; the securing of delinquent returns; examination of officers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearm taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Division receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, foreclosures and redemptions after civil foreclosure, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. The Division maintains files or control records of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to ensure that proper legal action may be timely taken.

Sec. 1113.5621 Special Procedures Staff.

The Special Procedures Staff is responsible for furnishing advisory assistance on technical delinquent collection and returns matters to the Chief, Collection and Taxpayer Service Division, Chief, Field Branch, Chief, Office Branch and Group Supervisors; providing liaison for the Director of International Operations with the Department of Justice, including the U.S. Attorneys, the Chief Counsel and Regional Counsel on all collection matters; ascertaining tax liability and filing of proof of claims in insolvency and decedent's estate proceedings; recommending civil suits to enforce collection or to protect the Government's interests; processing civil suits against the United States or the Office of International Operations, examining, reviewing and processing seizure and sale reports; processing applications for discharge of property from the effect of Federal tax liens and for certificates of nonattachment of Federal tax liens and certificates of subordination of the Federal tax lien; processing filed notices of Federal Tax liens and certificates of release; processing and maintaining executed collection waivers; analyzing and determining the sufficiency of various forms of collateral offered as security for release of lien or postponement of collection action; furnishing technical advice and assistance and recommendations for or against entry into suitable escrow agreements for the collection of delinquent accounts; reviewing recommendations for and holding conferences on 100 percent penalty and transferee assessments; post reviewing of accounts reported as uncollectible; reviewing recommendations and holding conferences on offers in compromise cases

based on inability to pay; and maintaining files and control records on all the above type cases to ensure that proper legal and other collection actions are taken timely.

SEC. 1113.5622 Office Branch.

The Office Branch effects the collection of delinquent accounts and secures delinquent returns through demands made by correspondence, telephone or office interviews. It safeguards the Government's interest by causing the filing of notices of tax liens and serving or causing the service of notices of levies. It transfers to Revenue Officer groups those assignments which require field investigations or can be more efficiently completed by field Revenue Officers. The Branch carries out the Division's responsibility for district-wide execution of the year-round taxpayer service program. It provides taxpayer service to citizens and aliens, including responses to correspondence requests of tax information, and provides functional supervision of taxpayer service at other posts of duty. The Branch screens and assigns cases and maintains assignment files. It prepares periodic reports of collection and taxpayer service activities. It receives and deposits to the credit of the Service Center Director remittances received in the Office of International Operations. It receives and transmits other returns and documents received in the Office of International Operations.

SEC. 1113.5623 Field Branch I (Headquarters).

Field Branch I is responsible for the Officer groups in Headquarters. Within management and control of Revenue the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the security of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payments, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100% penalties.

SEC. 1113.5624 Field Branch II (Puerto Rico).

Field Branch II is responsible for the management and control of both Revenue

Officer groups and an Office Group in Puerto Rico. Within the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the security of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payments, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties.

SEC. 1113.563 Audit Division.

The Audit Division administers an international audit program involving the selection and examination of all types of Federal Tax returns filed with the Office of International Operations (except alcohol, tobacco, and firearms). Is responsible for the examination of certain offers in compromise, informant's claims for reward and related activities including the examination and approval of pension trusts and the issuance of determination letters. The audit program involves the classification of returns for field and office audits, the conduct of district conferences in unagreed cases, participation with special agents in the conduct of tax fraud investigations, and is responsible for providing manpower for the annual overseas taxpayer compliance program. Provides advice and guidance on audit work performed by the foreign posts and reviews for technical and procedural accuracy all reports of audit examinations prepared by these offices. Directs programs for the exchange of estate and gift tax data with foreign governments under the tax conventions. Performs audit functions relating to the Alien Property Custodian activity. Makes certain that Internal Revenue Agents' manpower will be applied to the most significant civil enforcement cases in the international area. Is responsible for the maintenance of good relationship with region and districts and is responsive to their requirements for assistance in the foreign area. The Audit Division consists of the Examination Branch, Service Branch, Review

Staff, Conference Staff and Classification.

SEC. 1113.5631 Conference Staff.

The Conference Staff attains, to the maximum extent possible, the primary objective of the Conference Function—to give taxpayers ample opportunity to reach early agreement on disputed issues arising from audit examinations. Has responsibility for all OIO conference cases. Assigns, controls, coordinates, and reviews Office of International Operations jurisdictional conference cases including those in Puerto Rico, and foreign posts of duty. Holds conferences; provides direction and furnishes technical advice to other conferees; performs final district review of field audit conference reports; reviews and evaluates statistics and other records to strengthen conference function operations; and screens taxpayer protests which request Appellate hearings. Authorizes settlements in "pattern settlement cases;" reviews primary statistical forms in conference cases; coordinates and discusses with Chief, Review Staff, conference cases in which Review Staff has taken legal interpretative positions at variance with conference positions; reviews and answers dissents to conference determinations; reviews Appellate Division closings for guidance to conferees; and is responsible for protecting the statute of limitations for cases under his control. Undertakes special assignments received from Division and Office Superiors to the extent time permits.

SEC. 1113.5632 Review Staff.

Is responsible for reviewing for technical accuracy and policy and procedural adherence, reports of examination on income, estate, gift, and miscellaneous taxes, and offers in compromise. Prepares and issues preliminary letters and statutory notices. Grants extension of time for filing protests, and closes out statutory notices by sending the case file to the Appellate Division if a petition is filed or closing out for assessment if the time period expires on default. Receives taxpayer protests, refers protests to the Chief, Conference Staff, and closes protested cases to the Appellate Division upon recommendation of the Chief, Conference Staff. Furnishes technical advice to foreign and Puerto Rico posts and all examining personnel. Considers special problems relating to specific cases and prepares recommendations thereon. Prepares replies to technical inquiries from taxpayers from all over the world and issues determination letters as required. Considers applications for exemption from tax from foreign organizations, and issues determination letters or refers the case to the Assistant Commissioner (Technical), as appropriate. Prepares statistical reports and analyzes information on specific cases as required. Controls and reviews all forms used by the Audit Division. Controls and processes all informant's claims. Prepares requests for technical advice to the National Office on specific cases under examination.

SEC. 1113.5633 Chief Classifying Officer.

Is responsible for planning and executing the audit classification program including the selection of returns to be examined and the determination of the organizational units where the returns can best be examined. Is responsible for the planning and execution of procedures involving the classification of other documents used in connection with examinations such as transferred cases from other districts, information reports, etc.

Sec. 1113.5634 Service Branch.

Controls all income, estate and gift, and miscellaneous tax returns received for audit or investigation by the OIO Washington Office, Puerto Rico Office and the Foreign Programs and Research Division. Routes work to appropriate units; reproduces completed reports; provides typing service for the Audit Division; effects closing action on examined cases transmitting returns to the Collection and Taxpayer Service Division; assembles audit production and statistical data and maintains controls on statutory expirations for the entire Audit Division as well as the Foreign Programs and Research Division.

Sec. 1113.5635 Examination Branch.

Conducts field and office examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States and taxpayers who are required to withhold tax on certain payments to non-resident aliens and foreign corporations. Conducts examinations of estate tax returns of U.S. citizens who died while residing abroad or non-resident aliens with substantial property or income in the U.S. and gift tax returns filed by non-resident aliens or U.S. citizens residing abroad. It also conducts examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes) claims for refund, credit or abatement, and special examinations as requested including joint examinations with special agents where tax evasions may exist. Obtains information on suspected delinquent taxpayers and other tax information while in overseas areas. It furnishes technical advice and assistance on pension trust plans, processes informants' claims for reward, and recommends jeopardy assessments. Prepares memoranda to accompany closing agreements and closing letters and releases in estate and gift tax cases, and administers the program for exchange of estate and gift tax data with foreign governments under tax conventions. Audits employment tax returns of Puerto Rico residents and income tax returns of United States Government employees and Puerto Rico residents deriving income from sources outside Puerto Rico, Audits books and records of Puerto Rican affiliates of domestic taxpayers to secure information requested by districts. Examines Virgin Island corporations to determine correct subsidy allowances. Coordinates exami-

nation program on resident foreign corporations and other cases, where appropriate, with National and Regional enforcement programs. On assignment holds conferences with taxpayers and their representatives. Prepares tax returns for, and audits books of, foreign corporations and alien individuals whose property is controlled by the Alien Property Custodian and conducts conferences on these matters.

Sec. 1113.564 Foreign Programs and Research Division.

Plans, develops and coordinates the work programs and other activities of the foreign posts. Conducts the intelligence function with respect to taxpayers under jurisdiction of the Office of International Operations. Coordinates, directs and/or conducts all functions performed overseas by Appellate, Audit, Collection and Taxpayer Service, Intelligence and International Operations personnel. Coordinates all audit, collection and intelligence functions between the foreign posts and the Divisions of the Office of International Operations, other Service components and other Government agencies. Assists in the performance of functions under the treaties principally involving nonautomatic exchange of information. It is the focal point for all contacts with foreign governments either directly or through the foreign posts. Coordinates the foreign travel of personnel of the Internal Revenue Service. Maintains liaison with the Treasury, State, Defense, Commerce and Interior Departments concerning overseas operating matters. Plans coordinates and directs the Annual Taxpayer Compliance Audit and Collection Programs abroad. Plans and coordinates, in conjunction with the military services, the Annual Military Assistance School Program. Provides research and technical assistance and prepares guidance memoranda for other OIO Divisions. Assists the Director in performance of the Competent Authority functions. Maintains a continuing appraisal of the operation of the income and estate tax treaties for the purpose of identifying areas for renegotiation. Considers administrative and operational feasibility of proposed tax conventions regulations. Conducts analytical studies with the purpose of achieving effective tax compliance. Prepares recommendations for remedial legislation or regulatory amendments. Reviews or prepares suggested public use or internal forms and documents. Disseminates information regarding United States business activity abroad and foreign business activity in the United States. Determines the amount of administrative relief [offset] to be allowed under Revenue Procedures 64-54 and 69-13. Submits recommendations with respect to proposed changes in legislation regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program.

Sec. 1113.5641 Foreign Posts.

Takes necessary action under division programs to establish and maintain satis-

factory levels of voluntary compliance. Develops information indicating possible tax evasion, delinquency or non-compliance. Conducts audits of income, estate and gift tax returns of a type justifying field investigation or contact abroad and conducts investigations on tax evasion cases. Effects collection of delinquent taxes when personal contact or investigation abroad is required. Obtains information on audit, intelligence and collection matters for other service components on collateral requests. Holds taxpayer conferences and effects settlements in income, estate and gift tax cases, claims, offers in compromise, etc., including those referred abroad by International Operations headquarters for such purposes. Under specific direction assists in the exercise of the Competent Authority provisions of tax treaties by holding discussions with foreign government representatives. Maintains close liaison with foreign governments in tax treaty, enforcement, exchange of information, technical and other matters. Maintains close liaison with U.S. military authorities and taxpayer groups in the area. Develops and implements enforcement, taxpayer assistance and school programs, taxpayer-education releases, and similar measures designed to assure a high level of compliance. Is responsible for the development and maintenance of desirable public relations, initiating appropriate taxpayer-education programs in the area. Furnishes technical assistance to taxpayers on all tax matters.

Sec. 1113.5642 Research and Technical Branch.

Accumulates and analyzes data concerning foreign tax laws, U.S. Tax Treaties, U.S. law changes, revenue rulings and statements of Service policy in the international area. Prepares, coordinates and reviews guidance memoranda within the Office of International Operations. Assists in the performance of the Competent Authority functions. As directed, represents the United States Government at conferences with foreign Competent Authorities. Reviews drafts of proposed tax conventions and regulations thereunder regarding the administrative and operational feasibility of the convention and regulations. Seeks out operational and administrative problems in the tax treaty area. Prepares analytical studies of technical problems and tax avoidance schemes in the international area. Prepares plans and programs to combat tax avoidance and evasion in the international area. Reviews or prepares suggested tax forms and other material. Coordinates technical matters regarding proposed legislation and similar matters with the various Divisions of the National Office and other Government agencies. Accumulates data on the extent, nature, location of U.S. taxpayer business and trust interest outside of United States and similar data on foreign business entities doing business in the United States. Accumulates data on other foreign business operations of concern to U.S. Determines the amount of administrative relief (offset) to be allowed

under Revenue Procedures 64-54 and 69-13 and, where appropriate, prepares closing agreements. Submits recommendations on proposed changes in legislation, regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program. Provides data on foreign tax laws to technical field personnel responsible for determining correct Subparts F and G income and earnings and profits of controlled foreign corporations under the 1962 Revenue Act. Prepares periodic reports of the progress and activity in the international area.

SEC. 1113.5643 Foreign Programs Branch.

Provides functional supervision of the work programs and other activities of the foreign posts. Conducts the intelligence function with respect to taxpayers under jurisdiction of the Office of International Operations. Coordinates all functions performed overseas by Appellate, Audit, Collection and Taxpayer Service, Intelligence and International Operations personnel. Coordinates all audit collection, and intelligence functions between the foreign posts and the Divisions of the Office of International Operations other Service components and other Government agencies. Evaluates foreign programs. Provides point of contact for foreign governments either directly or through the foreign posts. Coordinates Internal Revenue Service. Maintains liaison with the Treasury, State, Defense, Commerce and Interior Departments concerning overseas operating matters. Plans and coordinates, in conjunction with the military services, the Annual Military Assistance and School Program.

SEC. 1113.6 Office of Assistant Commissioner (Accounts, Collection, and Taxpayer Service).

The Assistant Commissioner (Accounts, Collection, and Taxpayer Service), is the principal assistant to the Commissioner on all matters pertaining to the development of programs, systems, methods and procedures for implementation and operation of the Internal Revenue Service Automatic Data Processing Plan, the accounting for the internal revenue, the receipt and integrated processing of tax returns and other documents, the review and coordination of all reports, the collection of delinquent accounts, obtaining delinquent returns, and providing responsive services to taxpayers. He exercises line supervision over the activities performed in the various Divisions in the National Office which are within his jurisdiction and the National Computer Center and the Internal Revenue Service Data Center, and is functionally responsible for ACTS activities in Regional Offices, District Offices and Service Centers. Confers and collaborates with officials of other Government agencies and private industry to ensure compatibility of data which will be integrated into the ADP system of each.

SEC. 1113.61 Administrative Service Office.

Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Com-

missioner (Accounts, Collection, and Taxpayer Service) at the National level, assisting and collaborating with Division Directors and the National Computer Center Director in providing budget, personnel, records and reports management, space management, duplication, supply, and other administrative services necessary for the internal administration, management, operation and functioning of the Office.

SEC. 1113.62 Program Review and Analytical Services Staff.

The Program Review and Analytical Services Staff provides the Assistant Commissioner (ACTS) with: in-depth evaluations of Service Center, Data Center and Regional Office operations, programs and effectiveness in the ACTS areas to meet his needs for NORP participation as well as for his day-to-day management appraisals and decisions; independent centralized and integrated analyses of all ACTS programs, including the identification of actual, emerging, and potential problems to management particularly as they impact on two or more ACTS Divisions or other IRS organizations; assessments of program accomplishments, trends, or developments of specific interest to the Assistant Commissioner; and design and the undertaking of advanced analytical research programs and projects (in conjunction with other ACTS Divisions and IRS offices) to improve operational effectiveness and/or to shed insight on program alternatives.

Provides analytical service support and assistance, including specialized statistical services, to the individual Directors of the Accounts and Data Processing, Collection, and Taxpayer Service Divisions and the Director of the Data Center by identifying, evaluating, interpreting, reporting, and assisting in reporting progress towards accomplishment of their respective missions and program objectives. Provides specialist and consultant services and assistance in analytical methods to these officials as well as to Regional personnel in understanding and utilizing techniques and data resulting from integrated analyses of relevant internal and external data.

Coordinates the need for, and advises individual ACTS Divisions on, information system requirements for data, reports and information systems design, reports management activities. Also, in conjunction with ACTS Divisions, develops input for the Annual Internal Audit Program to obtain additional data for evaluation of ACTS program management. Coordinates with Divisions and Internal Audit preparation of the Monthly Informal Report to the Commissioner on significant findings pertaining to ACTS activities.

SEC. 1113.63 Planning Staff.

The Planning Staff is the principal advisor to the Assistant Commissioner (ACTS) for insuring the optimal use of ACTS resources for the Service in both tax and non-tax related applications. Develops and administers, in cooperation with all other offices, long-range

goals; identifies a budgeting and control system as it relates to goal setting; recommends policy or program decisions on the basis of feasibility or operations research studies; systematizes requests for ACTS services; prepares final ACTS PPBS documents; and performs general staff work on all high-level planning and resource allocations as directed by the Assistant Commissioner (ACTS).

Develops and consolidates long-range goals for the ACTS organization, recommends priorities of work and alternatives, insures that all facets of major work projects are recognized, and identifies the impacts of recommended or proposed actions. Monitors the resources expended in the attainment of established goals and participates in the final system acceptance.

Systematizes the activities relating to requests for ACTS services by: identifying, controlling and monitoring major requirements, requesting and assisting in cost/benefit analysis, presenting the recommendations and priority assignments to the resource allocation boards (ADP Review Board, Data Center Committee) and the appropriate Assistant Commissioners. Independently reconciles and evaluates the cost/manpower/computer accomplishments of ACTS.

Consolidates and finalizes the preparation and submission of PPBS documents to insure consistency with long-range plans and resource requirements commensurate with the objectives and goals of the Assistant Commissioner (ACTS) and top line officials of the Service.

SEC. 1113.64 Accounts and Data Processing Division—Office of the Director.

Plans, coordinates and directs the development of returns processing programs and revenue accounting functions. Directs the operation of the present tax administration system in service centers, the National Computer Center, and district offices, and will operate the new, integrated tax administration systems. This responsibility encompasses: The development of major tax administration programs and issuance of detailed systems requirements, forms, procedures, and computer programs for the receipt and processing of tax returns and related documents or data (except alcohol and tobacco tax and firearms returns and applications); accounting for revenue collections and tax deposits; fulfilling the related requirements of other Service activities and the Department of the Treasury; maintenance of taxpayer master file and non-master file accounts; required financial and operating reports; design of master file related management and data control systems; systems acceptability testing of manual procedures, machine instructions, computer inputs, processes and outputs before implementation; and the maintenance of all operational ADP master files and related systems. Functional supervision—including determining the effectiveness of on-going programs, procedures, systems to achieve Service objectives; and providing leadership in the installation or modifications

of assigned tax administration programs and processing systems; prompt identification of and follow-up with regional management and coordination with Director, Program Review and Analytical Services Staff, ACTS, on significant operational problems which could impair attaining Service goals and objectives—over accounts and data processing activities in the regional offices, service centers, and district offices. Line supervision over the National Computer Center and liaison between the Center and other organizational units of the Service.

SEC. 1113.641 National Computer Center.

Plans, directs, and coordinates the master file operations of the totally integrated tax administration system. Functions include: establishment, maintenance, and updating of the individual, business, employee plans and exempt organizations master files through around-the-clock operation of a large-scale computer system complex. Provides reciprocal controls with service centers of the receipt, processing, and shipment of tax account data. Produces output data for use in issuing refunds, bills or notices, answering inquiries, conducting delinquency checks, detecting fraudulent refund claims, classifying returns for audit purposes, preparing reports, and other matters concerned with processing and enforcement activities of the Service. Provides line supervision over National Office Computer Facility which is principally responsible for computer testing support for the totally integrated tax administration system. Responsible for scheduling and coordinating with Service Centers on production matters and receipts, control and servicing of file searches for Disclosure Staff, Intelligence, Internal Audit and other Service offices. Responsible for financial planning, recruitment, and training, and other administrative matters of the National Computer Center.

SEC. 1113.642 Office of the Executive Assistant.

Responsible for providing assistance to the Director in the general overall management and evaluation of Accounts and Data Processing operations both within the Division and functional areas in the field. Coordinates and monitors Division program plans in the areas of organization, personnel, training, security, space and furniture acquisition, financial planning and funding. Finalizes financial and Program-Planning and Budgeting System documents for Division programs covering field operations and the National Office. Coordinates with Internal Audit on program reviews and follows up on findings and corrective action pertaining to the programs and mission of Accounts and Data Processing. Coordinates the Division reports management program. Manages the Division Internal Work Planning and Control System. Prepares speeches and other required papers on Division activities. Represents the Division in the orientation of foreign tax officials and other dignitaries. Provides office management and directives man-

agement for the Accounts and Data Processing Division.

SEC. 1113.643 Associate Director (Accounts and Services).

Directs the data processing program management for the present tax administration system, and will direct the program management of the new, integrated tax administration systems. Develops programs for approval; and designs, implements, and evaluates systems and procedures for data processing applications. Functions include: participates in developing new systems or revision of existing systems, including a cost/benefit analysis; plans and coordinates resource requirements for accomplishments of programs (collaborates with involved client organizations); prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures; participates in systems acceptability testing with approval authority for proprietary programs; evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems; develops management information and quality review systems applicable to activities in service centers and NCC; responsible for development and coordination of service center and master file requirements relating to special studies and other research activities; provides analyses and recommendations of action required by tax legislation; and coordinates participation of ACTS in the data exchange programs, e.g., requests from Federal, State, and municipal entities for non-report and non-statistical formatted data from the master file.

SEC. 1113.6431 Compliance and Special Programs Branch.

Managers data processing programs relating to Compliance and other Service components, and external customers for the totally integrated tax administration system. Develops programs for approval; and designs, implements and evaluates systems and procedures for data processing applications. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. In collaboration with client organization, responsible for aggregate planning and coordination of resource requirements for accomplishment of programs; prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Participates in system acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems. Develops management information systems applicable to activities in service centers, district offices, and NCC. Responsible for development and coordination for service center and master file requirements relating to special studies and other research activities. Coordinates

participation of ACTS in the data exchange programs, e.g., requests from Federal, State, and municipal entities for non-report and non-statistical formatted data from the master file.

SEC. 1113.6432 Revenue Accounting and Processing Branch.

Manages data processing programs relating to processing of tax returns and related documents from receipt through posting to the master file, including service center and district office deposit activities for the totally integrated tax administration system. Develops programs for approval; and designs, implements, and evaluates systems and procedures for data processing applications. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. Responsible for aggregate planning and coordination of resource requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Participates in systems acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems.

SEC. 1113.6433 Taxpayer Accounts Services Branch.

Manages data processing programs of service center and district office activities relating directly with taxpayer's accounts occurring subsequent to master file posting of the return for the totally integrated tax administration system. Develops programs for approval; and designs, implements and evaluates systems and procedures for data processing applications. Programs include activities such as correspondence, adjustments, notice review, payment tracers and other IDRS related activities. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. Responsible for aggregate planning and coordination of resource requirements for accomplishment of programs. Prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Develops quality review systems applicable to activities in Service Centers and NCC. Participates in systems acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems.

SEC. 1113.6434 Accounting Operations Branch.

Assures that accounting operations in Service Centers are performed in accordance with prescribed procedures and provides assistance in account balancing or other problems through field visitations, phone calls and correspondence. Provides Division Management with information gathered through field contact relating to the accounting function.

Suggests revisions to the Revenue Accounting System and assists in preparation of field instructions; engages in consultation and preparation of special accounting related projects such as those involved in new service center activation and apportionment of accountability. Also prepares specifications for the maintenance of the centralized accounting function which accounts for monies to be transferred to U.S. territories such as Puerto Rico, Guam and the Virgin Islands. Prepares annual financial statements and maintains accounting data necessary for the proper planning of receipts and cash flow by the Department of the Treasury.

Prepares reports of revenue receipts and refunds paid for management and various IRS publications. Reviews revenue and refunds paid data prepared by the National Computer Center and Service Centers and prepares quarterly certifications of trust fund collections, refunds and credits such as those for the Highway, Land and Water Conservation, Airport and Airway, and Railroad Retirement Trust Funds. Maintains administrative control over Joint Committee refund cases from time of receipt, through processing, to time of final dispatch to service center for preparation of refund check. Reviews pending and enacted legislation, government and other publications to keep current with all actions affecting the revenue. Acts as liaison with other agencies in the Department of the Treasury, Railroad Retirement Board, Joint Committee on Internal Revenue Taxation, Office of Business Economics, and other agencies, industries, individuals and associations involved in the Nation's revenue.

Sec. 1113.644 Associate Director (Computer Systems).

Directs and coordinates the operations of computer systems and processing programs for the present tax administration system and will operate the new, integrated tax administration systems, commensurate with established ACTS goals and recommends determination of supporting computer hardware, as well as auxiliary and accessory equipment, and software requirements for service centers, district offices and the National Computer Center. In addition, includes: participation in studies of proposed computer systems, including telecommunications and real time processing applications; develops and maintains computer software support; evaluates computer systems utilization and is responsible for outside agency computer systems reporting; coordinates installation of computer systems, evaluating planned operational effectiveness; develops standards and guidelines for uniformity by all programmers; develops application and scientific computer programs; participates in systems acceptability testing of all procedures and computer programs before systems acceptability testing of all procedures and computer programs before systems located at service centers and the National Computer Center; provides technical advice and consulting services

to other Service offices on computer systems problems; coordinates participation of ACTS in the Government-wide ADP Sharing program; and develops and coordinates the recruitment and training of programmer trainees.

Sec. 1113.6441 Master File Programming Branch.

Develops, documents, and maintains computer systems and processing programs to establish, update, analyze and produce required outputs from Master Files of taxpayer accounts and related data files at the National Computer Center for the totally integrated tax administration system. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic and block diagrams, machine coding and run tests, documentation and instructions for National Computer Center input, Master Files processing and output programs, including data controls and files extracts. Coordinates with Accounts and Services, and the Service Center Programming, Data Retrieval Programming and Systems Support Branches to ensure compatibility with computer input/output programs in the Internal Revenue Service Centers. Assists the Systems Testing Branch in conducting tests of computer programs and instructions prior to operational use. Identifies operational programming problems, recommends recovery action, if practicable, and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS systems. Provides functional supervision over Resident Programmer Analysts located at the National Computer Center.

Sec. 1113.6442 Service Center Programming Branch.

Develops, documents, and maintains computer systems and processing programs and related off-line equipment instructions for tax return and all related data transcription and processing operations including residual master files and data controls in the Internal Revenue Service Centers for the totally integrated tax administration system. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic and block diagrams, machine coding and run tests, documentation and instructions for Service Center computer input/output programs, data controls and related processes. Coordinates with the Accounts and Services, and the Master File Programming, Data Retrieval Programming and Systems Support Branches to ensure compatibility with all IRS computer processes particularly at the National Computer Center. Assists the Systems Testing Branch in conducting tests of computer programs and instructions prior to operational use. Identifies operational programming problems, recommends recovery action if practicable and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility,

completeness, and compatibility with related IRS systems. Develops and maintains computer programs to fulfill requirements for management information systems integrated or related with the tax processing system. Provides functional supervision of Resident Programmer Analysts located at the Service Centers.

Sec. 1113.6443 Data Retrieval Programming Branch.

Develops, documents, and maintains computer systems and processing programs for the Service Centers and district and local offices that are required for the Integrated Data Retrieval System (IDRS). Designs file structure and determines the need for individual computer runs and the relationship of these runs for IDRS. Requirements of the system are received from the branches under Associate Director, Accounts and Services and are coordinated for clarity and programming feasibility. The computer system is diagrammed; file content and format is determined; individual program logic is designed, coded and tested. Complete program documentation is prepared for distribution to all Service Centers and district and local offices including detailed operating instructions. Programs are all prepared to operate synchronously with the individual, business, and residual master files, and other automated and manual systems for the totally integrated tax administration system. Programming activities include real time processing of terminal inquiries and update action plus a large number of multiprogrammed batch runs. The batch processing, which also has related real time processing, includes such items as: updating the Account Data files on a daily and weekly basis with data from the National Computer Center and data from all of the various stages of processing in the Service Center; analysis of accounts notice output; maintenance of adjustment and correspondence case inventories; and various audit and collection related activities. Some principal subsystems that are a part of IDRS processing are: Correspondex System, Document Request System, Unidentified Remittance System, On-Line Adjustment System, System for Direct Deposit of Receipts. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS system. Coordinates with the Master File Programming and Service Center Programming Branches in the functional supervision over Resident Programmer Analysts located at the service centers and the National Computer Center.

Sec. 1113.6444 Systems Testing Branch.

Plans, develops, schedules and conducts acceptability tests simulating live operation of new or revised systems, procedures, forms, instructions, and computer programs designed to process tax returns, related documents and data in the district offices, service centers, or National Computer Center, including accounting, document and other internal

controls over such operations for the totally integrated tax administration system. Coordinates with other ACTS operating and user organizations in testing the system as acceptable for implementation, analyzes total system requirements, develops appropriate tests documents and data, and establishes predetermined control and output results. Tests all manual procedures, machine processes and computer programs, under predetermined controls as planned, to determine readiness of the system to produce records and outputs meeting all requirements. Identifies any deficiencies of problem areas, recommends evident modification or clarification, and tests any changes. Recommends acceptability to the client organization for their certification.

Sec. 1113.6445 *Systems Support Branch.*

Develops, maintains and modifies all software products, required for the Service's totally integrated tax administration system as a service function to the programming branches within the Division. Studies and evaluates proprietary software packages for application on any IRS system. Provides technical advice and consulting services to other Service offices including development of scientific computer programs. Provides a systems "debug" service to application programmers within the Division. Maintains the variety of skills and knowledge necessary to support the several different computer systems and programming languages utilized in the Service. Maintains a current knowledge of computer equipment, including auxiliary and related equipment, software technology, and telecommunication and real time processing applications. Participates in determining immediate or long-range computer systems equipment requirements for data processing; develops plans and schedules for meeting those requirements, and recommends acceptance, modification, or rejection of suppliers proposals. Coordinates installation of computer systems and evaluates effectiveness compared with contract requirements. Evaluates computer systems utilization and is responsible for outside agency computer systems reporting. Responsible for computer operation support functions, (e.g., tape library, computer scheduling) including related procedures and programming, for the Service Centers, National Computer Center, and the National Office. Develops and Issues standards and techniques for uniform guidance and use by all programmers; coordinates participation of ACTS in the Government-wide ADP Sharing Program. In coordination with Training Division, assists in developing and conducting data processing functional training seminars, for Service personnel and specialized training courses for programmer trainees.

Sec. 1113.65 *Collection Division—Office of the Director.*

Accomplishes the Collection mission with reference to the filing and payment requirements of the internal revenue laws by providing and supervising (func-

tional supervision) nationwide programs for issuance of Certificates of Compliance to departing aliens, disposition of certain offers in compromise, collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent; obtaining of delinquent returns, measurement of the types and degrees of non-filing, determination and analysis of the reasons for non-filing and reduction of non-filing.

Sec. 1113.651 *Special Projects Branch.*

Exercises responsibility over projects and activities not directly identified with a program management branch or the Special Service Staff. Exercises continuing responsibility for the coordination of management processes which apply to all programs and activities of the Division by performing the following functions: Monitors, coordinates and integrates the planning activities of the Division, including the preparation of program planning document, PPBS Program Memoranda and Program and Financial Plan, Work Plans and budget and financial documents. Maintains Work Planning and Control System (including maintenance of the Operations List) current and compatible with procedural issuances and coordinates the establishment of work priorities within the System. Monitors, studies, coordinates and integrates field collection (DAR activities), organization functions, position responsibilities, staffing and related personnel matters. Serves as Division consultant on these matters. Collaborates and maintains liaison with the Office of the Assistant Commissioner (ACTS) on information system requirements for data and data processing, reports and information systems design, other reports management activities, and on information storage and retrieval matters (also collaborating and maintaining liaison with the Office of Assistant Commissioner (Planning and Research) on information storage and retrieval), and coordinates and maintains management surveillance over all these matters within the Collection Division. Collaborates and maintains liaison with the Office of Assistant Commissioner (Administration) in determining field Collection training needs, evaluating and administering Collection training programs, and providing Collection functional guidance and review for development of training materials at the National Training Center. Conducts general management and other special studies and performs other assignments, which are not within the specific jurisdiction of the program management branches, when authorized by the Director or Assistant Director. Assists Director in determining permanent functional assignments within the Division where such assignments are not clearly covered within the established functional responsibilities. Coordinates internal audit matters related to the Collection Division, and is responsible for completed action on internal audit reports, keeping branches informed on these matters. Responsible, on a continuing basis, for

management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

Sec. 1113.652 *Delinquent Accounts Branch.*

Exercises program management responsibility for Collection Division's functional supervision of the payment requirements of the Internal Revenue laws through the Delinquent Accounts Program (collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent) and of the functional supervision of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability or doubt as to collectibility (except alcohol, tobacco, firearms, employment, withholding and excise taxes and specific penalties) and all offers in compromise of 100% penalties, by performing the following functions with reference to the Delinquent Accounts and Offer in Compromise Programs: Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary, systems, procedures, methods and other instructions for Collection field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trends of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (ACTS) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Branch) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Awards suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Branch. Conducts studies required for problem identification, problem solving, planning, assistance to the regions, and engages in "troubleshooting" for assigned programs. Makes a performance evaluation of offers in compromise in certain district acceptance cases. Reviews offers in compromise within functional jurisdiction requiring the Commissioner's approval. Participates in Division visits to field offices and conducts special purpose visits as required. Serves as taxpayer liaison office for the Division by the performance of the following principal functions: Responds to inquiries (personal visits, correspondence and telephone) from sources external to the Internal Revenue Service (e.g. taxpayers, members of Congress, Treasury Department

and other Departments and Agencies) on matters pertaining to Collection Programs, activities and functions. Conducts correspondence and engages in conferences with taxpayers, officials of the Service, States, other Federal Agencies, members of Congress and Congressional Committees on Collection Division activities and functions. Monitors the Division's sensitive case program. Responsible on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

Sec. 1113.653 Returns Compliance Branch.

Exercises program management responsibility for Collection Division's functional supervision of the filing requirements of the Internal Revenue laws through the Returns Compliance and Delinquent Returns Programs (obtaining of delinquent returns, measurement of the types and degrees of non-filing, determination and analysis of the reasons for non-filing and reduction of non-filing) by performance of the following functions with reference to the Returns Compliance and Delinquent Returns Program. Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary: systems, procedures, methods and other instructions for Collection field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trends of field operations involving assigned programs. Collaborates with Office of Assistant Commissioner (ACTS) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Branch) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Award suggestions referred by the Administrative Service Office and on internal audit reports referred by the Special Projects Branch. Conducts studies required for problem identification, problem solving, planning assistance to the regions, and engages in "trouble-shooting" for assigned programs. Participates in Division visits to field offices and conducts special purpose visits as required. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

Sec. 1113.66 Taxpayer Service Division—Office of the Director.

Plans, develops and directs a comprehensive Service-wide Taxpayer Service

Program which recognizes that taxpayers must have the ability as well as the willingness to comply with Federal tax law. Ensures a consistent and uniform policy of service to all taxpayers.

Responsible for coordinating and integrating all field Taxpayer Service related activities (other than those requesting technical determinations), regardless of organizational boundaries. In this regard ensures that prompt, accurate, and responsive replies are made to taxpayer inquiries and that appropriate and useful informational and educational materials for public use are prepared and distributed. Participates in the formulation of policies affecting the taxpaying public. Assists (utilizing internal audits to the extent practical) in determining the effectiveness of taxpayer service activities in all areas and at all organizational levels. In this regard, recommends how procedures might be changed and resources increased, decreased, or shifted to provide better overall service to the taxpayer. Exercises functional supervision over regional and district taxpayer service activities. Conducts research on assessing and improving the effectiveness of various Taxpayer Service activities.

Sec. 1113.661 Operations Branch.

Exercises general program management responsibility to ensure prompt, accurate and responsive replies to taxpayer inquiries directed to district offices and service centers. This includes prompt replies to correspondence received from taxpayers, members of Congress, tax practitioners, and other regarding operations aspects of the ACTS organization.

Develops, reviews and modifies, as necessary, procedures, methods, and other instructions to assist field managers and employees in the accomplishment of Program objectives.

Reviews selected correspondence to identify problem areas within the Taxpayer Service Division or to have the matter referred so the appropriate activity may take necessary remedial action. Provides liaison between district office taxpayer service operations and service center data processing operations as they related to Service-generated output or taxpayer-initiated actions.

Provides input to the Planning and Development Branch for Program Management guidelines, PPBS materials, work plans, estimates of staff and budget requirements to meet Program goals and objectives.

In conjunction with the Training Division, develops or reviews materials for field and National Office training programs for Taxpayer Service personnel. Issues up-to-date tax information, e.g., handbooks, guidelines, TAX-NEWS, and the like, to ensure dissemination of accurate tax information to the public by TSR's.

Provides guidance and assistance in the implementation of a comprehensive Servicewide Taxpayer Service Program; and participates in the evaluation of its operational effectiveness. Responsible, on

a continuing basis, for submitting recommendations for initiating studies and conducting field operational studies to improve the effectiveness of field operations, management improvement, work simplification and the like.

Sec. 1113.662 Planning and Development Branch.

Develops long-range plans and objectives for a comprehensive Taxpayer Service and Assistance Program and coordinates these plans with other activities assigned responsibility for various programs related to Taxpayer Service. Prepares, coordinates, and integrates the planning activities of the Division, including the preparation of Program Planning documents, PPBS materials, Programs and Financial plan, Work Plans, and budget documents. Assist in the determination of staff requirements to meet program objectives and long-range plans.

Assesses taxpayer needs, conducts in-depth research studies to measure effectiveness of selected methods of providing taxpayer service as well as measure various related programs, and recommends effective and economical methods of informing and educating taxpayers in their rights and responsibilities. Related programs to be measured include telephone assistance, filing period publicity, taxpayer education, taxpayer publications, and the like, to determine how to most effectively meet taxpayer needs.

Represents both taxpayers and the Assistant Commissioner (ACTS) on the Forms Committee; and suggests alternative solutions to meet Service objectives with minimum inconvenience to taxpayers. Assures that the needs of taxpayers are considered in the design of tax forms and other Service publications; and that instructions are issued which make compliance simpler or more understandable for the public.

Identifies subject matter areas giving taxpayers problems and endeavors to alleviate these by coordinating with other National Office Divisions in the preparation of appropriate technical publications, news releases, institute training materials, et cetera. Review forms, form letters, computer notices, and other issuances to ensure that information or instructions contained therein are understandable to the public.

Provides assistance in personnel management activities and program evaluation. Collects and presents statistical data in an organized and readily usable form in measuring accomplishments against objectives. Prepares materials designed to aid field personnel in achieving the highest Program goals at a minimum cost. Serves as Taxpayer Service Division representative in TCMP matters. Develops and coordinates the issuance of Revenue Procedures on the use of "substitute" tax forms and schedules. Coordinates internal audit matters related to the Taxpayer Service Division and has responsibility for completing action on such reports and for collaboration with the Field Operations Branch on these matters.

Sec. 1113.67 IRS Data Center.

Responsible for the performance of Non-Master File data processing operations for the Service. This includes: design of manually and electronically oriented processing systems; detail design of computer programming requirements and instructions; writing of computer programs; testing and debugging of computer routines; systems acceptability testing; installation of new systems; and maintenance of systems after they become operational. Such systems provide for the preparation of Department of the Treasury payrolls; fiscal reports; statistics of income; Taxpayer Compliance Measurement Programs, including both work progress reports and special studies; special tax research; personnel analysis reports; work planning and control reports; data for PPBS and other purposes; special tabulations and comparisons for States and other Federal agencies; and statistical information for management control by National and Regional Office officials; and other special applications not included in the Business and Individual Master File systems.

Sec. 1113.7 Office of Assistant Commissioner (Inspection).

The Assistant Commissioner (Inspection) acts as the principal assistant to the Commissioner in planning and carrying out the inspection program of the Internal Revenue Service. This includes the independent review and appraisal of all Internal Revenue Service activities as a basis for protective and constructive service to management, and the carrying out of a program for assisting management to maintain the highest standards of honesty and integrity among its employees. The Assistant Commissioner (Inspection) plans and directs the inspection program at both the national and regional levels. At the National Office level he supervises two divisions: the Internal Audit Division and the Internal Security Division; and at the regional level he supervises the Regional Inspectors.

Sec. 1113.71 Internal Audit Division—Office of the Director.

The Internal Audit Division has responsibility for conducting a program providing for an independent review and appraisal of the operations of the Internal Revenue Service. This review provides information on the condition of all the functional activities of the Service at the National, regional and district levels and is sufficient in scope to provide a basis for constructive management action by the Service officials responsible for the activities involved. The Division is also responsible for a systematic verification and analysis of financial transactions and a review and appraisal of the protective measures and controls established at all operating levels. The organizational structure for program operations consists of the National Office Internal Audit Division, and the regional Internal Audit staffs which are headquartered in the same location as the Regional Inspectors. The Director of the Internal Audit Division, under the

general supervision of the Assistant Commissioner (Inspection), is responsible for the development and execution of the Division's program.

Sec. 1113.711 Operations Branch.

The Operations Branch has responsibility for ensuring a continuing effective internal audit of the Service's Administration, Appellate, Audit, Counsel, Intelligence, Technical, Office of International Operations, and Economic Stabilization Program activities by developing guidelines for the annual internal audit plans; by reviewing and making recommendations on regional internal audit plans; by conducting National Office and coordinated nationwide audits; by carrying out special surveys, examinations, and projects as assigned by higher authority, such as audits of the Tax Division of the U.S. Virgin Islands Government, and the Treasury Department's Exchange Stabilization Fund and Alcohol, Tobacco and Firearms activities; by coordinating, evaluating, and reviewing and following through on audit findings; and by bringing significant audit disclosures to the attention of top National Office management officials including the Commissioner. Participates in the program of staff guidance, review and evaluation of the auditing activities of regional Internal Audit staffs. Consults with top officials in the Offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving procedures and controls. Carries out special assignments in cooperation with the Internal Security Division on cases requiring the specialized knowledge and training of personnel of the Internal Audit Division. Exercises continuing direction and control over all Internal Audit aspects of Inspection integrity assignments conducted nationwide, including on-job visitations. Maintains liaison with National Office Internal Security Division on Security cases pending in the regional offices. Analyzes and summarizes Internal Audit Division's annual accomplishments and prepares required internal and external reports.

Sec. 1113.712 Program Development Branch.

The Program Development Branch has responsibility for developing the Division's policy and procedural instructions and internal audit program guidelines for the continuing effective internal audit of all activities in the Revenue Service's field offices. Also has responsibility for developing and carrying out career development programs for Internal Audit staff members nationwide to increase staff management capability and professional auditing proficiency, including conducting basic and advanced Internal Audit training programs. Keeps abreast of new developments in Service programs to determine their effect on Internal Audit's responsibilities in the auditing of field operations. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) as necessary, including participation in a program of on-site review and evalua-

tion of the activities of the regional Internal Audit staffs. Maintains liaison with Officers of Assistant Commissioners and Chief Counsel, to determine operating problems or developments that should be given internal audit program attention. Keeps abreast of latest professional management auditing techniques and methods to ensure timely adaptation to the Service's internal audit program. Maintains the division's program of continuing review of special long-range Service projects, e.g., Taxpayer Compliance Measurement Program.

Sec. 1113.713 Data Processing Activities Branch.

The Data Processing Activities Branch has responsibility for ensuring a continuing effective internal audit of the Service's Accounting, Data Processing, Collection and Taxpayer Service activities by developing guidelines for the annual internal audit plans; by reviewing and making recommendations on regional internal audit plans; by conducting National Office and coordinated nationwide audits; by carrying out special surveys, examinations, and projects as assigned by higher authority; by coordinating, evaluating, and reviewing and following through on audit findings; and by bringing significant audit disclosures to the attention of top National Office management officials including the Commissioner. Participates with management during the development stages of new or improved ADP systems to ensure the incorporation of effective management controls. Develops systems and procedures to utilize automatic data processing in carrying out principal segments of the Internal Audit Division's program. Participates in the program of staff guidance, review and evaluation of the auditing activities of regional Internal Audit staffs. Consults with top officials in the Offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving procedures and controls; keeps abreast of current data processing developments, including technological changes, so that proper consideration can be given to carrying out the Internal Audit Division's program. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) in order to obtain data processing services requested by them or provide other information pertinent to the mission of these functions. Analyzes and summarizes Internal Audit Division's annual accomplishments and prepares required internal and external reports.

Sec. 1113.72 Internal Security Division.

The Internal Security Division plans, develops, and controls the Internal Security program for the Internal Revenue Service so as to assist management in assuring the highest standards of honesty, integrity and security among Service employees and maintain public confidence in the integrity of the Service. The program includes personnel background investigations and investigations of complaints or allegations of misconduct or irregularities, including criminal,

concerning Service employees; also investigations of non-Service persons when their actions may affect the integrity of the Service or safety of Service personnel, including attempts to bribe or otherwise corrupt Service personnel; this authority includes investigation of attempts to interfere with administration of Internal Revenue laws through threats, assaults or forcible interference, and also the unauthorized disclosure of Federal tax information. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, investigations of complaints alleging discrimination because of race, creed, color or national origin; and the maintenance of records and case files relating to investigations conducted. The Division also conducts such special investigations, studies, and inquiries as required for the Commissioner, Office of the Secretary, or other components of the Treasury Department. The Division is composed of three branches: Field Coordination Branch, Investigations Branch, Planning and Programming Branch.

SEC. 1113.721 Field Coordination Branch.

The Field Coordination Branch controls and coordinates on a nationwide basis all investigations conducted by the Internal Security function. These investigations cover alleged violations of Federal criminal statutes and of the regulations and rules governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled or entitled to practice before the Internal Revenue Service; the investigation of the character and background of applicants for, or incumbents of, positions in the Service; enrollee applicant cases; formal investigations under the Federal Tort Claims Act; and other investigations as required for the Commissioner and other components of the Treasury Department. The Branch maintains a continuing review and control of all investigations to: assure that proper priorities are established and that the investigation workload is accomplished in an effective and efficient manner on an overall regional, as well as an individual Inspector basis; assure that the scope of the investigations and the facts and evidence are sufficient to provide a basis for conclusions by management, the Department of Justice or other authority; assure that established policies, procedures and techniques are being followed properly and uniformly; assure effective investigation accomplishments, uniformity in investigative coverage, and that there is proper form and quality of reports, as well as administrative and criminal dispositions; develops data and recommendations for improvement, simplification, and standardization of investigative

operations, many of which are passed along for use by management in connection with directing program execution as well as planning and programming Internal Security activities; and directs the maintenance of records and case files relating to investigations conducted by the Internal Security function. The Branch maintains liaison on criminal and other investigative matters with the Office of the Chief Counsel, other law enforcement and security segments of the Treasury Department and the Internal Revenue Service, Department of Justice, Federal Bureau of Investigation and other Federal law enforcement agencies.

SEC. 1113.722 Investigations Branch.

The Investigations Branch, operating on a nationwide basis, is responsible for conducting extremely confidential investigations of complaints and allegations of misconduct or irregularities concerning high level officials of the Service and other special investigations which by reason of their complexity or sensitivity, or because of their potential effect on the maintenance of public confidence in the integrity of the Service, demand special handling. The Branch, as the investigative branch of the Internal Security Division for National Office personnel, is responsible for conducting background investigations of applicants for, or incumbents of, positions in the Service, certain applicants for enrollment to practice before the Internal Revenue Service, and for applicants for positions with certain other components of the Treasury Department. In addition the Branch conducts investigations of alleged violations of Federal criminal statutes and rules and regulations governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled to practice before the Internal Revenue Service; formal investigations under the Federal Tort Claims Act; investigations of alleged discrimination because of race, creed, color or national origin; and other special investigations as may be required for the Commissioner and other components of the Treasury Department. The Branch maintains liaison with the Regional Inspectors and Assistant Regional Inspectors (Internal Security) to coordinate joint activities and in special situations to render assistance in the handling of difficult investigations.

SEC. 1113.723 Planning and Programming Branch.

The Planning and Programming Branch is responsible for providing staff assistance to the Division Director in planning and programming the Internal Security Division program. This includes formulating policies; developing technical and administrative procedural instructions, including manual issuances and investigative handbooks; conducting inspections of the management and operation of the regional Internal Security Division; conducting special surveys of National Office Internal Security activi-

ties; developing and coordinating training programs for the Division; providing technical and staff assistance to the Treasury Law Enforcement Officer Training School; compiling and analyzing reports of operational costs, workload data, and statistics concerning criminal and administrative actions resulting from Internal Security investigations; evaluating manual issuances or proposals originating outside Inspection which are pertinent to Internal Security functions; conducting special staff studies; and maintaining liaison with other branches of the Internal Security Division, the Internal Audit Division, and other offices of the Service.

SEC. 1113.8 Office of Assistant Commissioner (Planning and Research).

The Assistant Commissioner (Planning and Research) acts as the principal assistant to the Commissioner and the Deputy Commissioner in the development and administration of the Long-Range Plan, related objectives and policies, and in the analysis of all Service programs for the purpose of promoting maximum effectiveness in the administration of the Internal Revenue Code with the most efficient and economical expenditure of resources; provides leadership and coordination in Federal-State cooperative tax administration; provides liaison with the States on administrative matters related to Federal collection of State individual income taxes; and is responsible for research, statistics, and systems development. The Assistant Commissioner (Planning and Research) represents the Commissioner on these matters in relations with the Department of the Treasury, the Congress, other Government agencies and outside organizations. He discharges these primary responsibilities in cooperation with the appropriate Assistant Commissioners (or other principal officials), each of whom exercises related responsibilities within his own functional area. The Assistant Commissioner (Planning and Research) is responsible for and supervises the activities of the Planning and Analysis Division, Research Division, Statistics Division, Systems Development Division, Tax Systems Redesign Division, and Internal Management Documents Division.

SEC. 1113.81 Planning and Analysis Division.

The Planning and Analysis Division develops and administers the systems for producing a comprehensive multi-year Long-Range Plan, for coordinating and integrating program objectives of the Service, and for analyzing all Service programs—with the aim of optimizing the collection of internal revenue taxes. To these ends, in cooperation with responsible offices, it develops the Service's Long-Range Plan; through Special Studies, approved by the Deputy Commissioner, evaluates the desirability and costs of existing and proposed plans, organizations, and program objectives; and develops criteria and presentations to measure accomplishments. It coordinates the preparation of the annual Program

Memoranda analyzing the objectives, costs and benefits of the Long-Range Plan. The Division, in cooperation with other responsible offices, determines the scope of operating data, needed for performance reporting and for marginal productivity and other kinds of operations research analyses in connection with the Long-Range Plan, Program Memoranda, and Special Studies.

Sec. 1113.82 Research Division.

The Research Division conducts advanced research (independently or in conjunction with other offices) into the Federal tax system to develop new approaches to improve the Service's operations and to reduce the compliance burden on the taxpayer; directs such research, within the framework of tax policy determined by the Office of the Secretary of the Treasury; furnishes leadership and coordination for the program of Federal-State cooperation in the field of tax administration; and serves as the liaison office for administrative matters with the States in connection with the Federal collection of State individual income taxes. The Division serves as the focal point of the Service for assistance to the Chief Counsel and the Office of the Secretary of the Treasury in the development of legislative proposals and in the identification and evaluation of administrative implications of such proposals; coordinates and works with other activities of the Service in assisting the Chief Counsel and Tax Legislative Counsel in the drafting of legislation; develops, coordinates and monitors plans to implement provisions of new legislation affecting tax administration; and keeps the Commissioner apprised of significant legislative developments and progress in implementing provisions of new legislation. The Division actively participates with other staffs of the Assistant Commissioners and of the Department of the Treasury in the preparation of legislative proposals and regulation revisions resulting from the research conducted; designs and carries out surveys, studies, polls, and other forms of research to provide basic data needed for the formulation of legislative proposals and operating programs and plans; and prescribes the nature and content of statistical analyses made by other offices but required for the research functions of the Division.

Sec. 1113.83 Statistics Division.

The Statistics Division conducts research and prepares statistics with respect to the operation of the income tax laws as required annually by the Internal Revenue Code to provide basic information for tax studies and legislation by the Congress and its committees, for administrative use by the Secretary of the Treasury and the Commissioner of Internal Revenue, and for the Federal benchmark statistical programs on income, wealth, and finance; and performs other related research and statistical functions. The Division provides support services for the Reports Management program. The Division consists of the Income, Finance, and Wealth Branch, the

Statistical Techniques Branch, the Mathematical Statistics Branch, and the Program Management Branch.

Sec. 1113.831 Administrative Office.

Performs all administrative management activities, including personnel, budget, and fiscal programs, cost estimates, allocations and control of funds, records management, travel, space and equipment utilization. Coordinates and controls, in conjunction with the Facilities Management Division the printing requirements of the Division and statistical processing contracts, other office services required. Serves as a focal point for Division contacts with Personnel Fiscal Management, and Facilities Management Divisions.

Sec. 1113.832 Income, Finance, and Wealth Branch.

The Income, Finance, and Wealth Branch performs statistical and economic research with respect to the operations of the income tax laws as required by the Internal Revenue Code. It identifies and analyzes actual and prospective needs of users of income, wealth, and financial data reported on tax returns. The Branch plans, evaluates, and modifies these needs to develop an integrated statistical program and prepares specifications for data preparation. It interprets, analyzes, and presents the resulting statistics through publications of the Internal Revenue Service, such as the "Statistics of Income" series, and in consultation with appropriate policy and management officials.

Sec. 1113.833 Statistical Techniques Branch.

The Statistical Techniques Branch performs technical statistical services in support of the program of the Division. It prepares projections and estimates of tax return populations by type of return and geographic area, and produces other workload measures of the Service. It uses statistical techniques to analyze problems and improve efficiency in work programs. It plans, prepares the analysis, and presents the results of statistical studies for the Service, other Federal Agencies, and for approved reimbursable projects. It conducts research in the development and adaptation of statistical techniques designed to promote efficient operations. It prepares Service statistical guidelines and taxpayer aids. It supplies special statistical services in response to requests and advice on applications of statistical techniques to technical and administrative tax problems. It provides the technical service in development of management information and other reports.

Sec. 1113.834 Mathematical Statistics Branch.

The Mathematical Statistics Branch has the Statistics Division's responsibility for the probability sampling portions of the Service's research and operational programs and aiding, on request, other agencies with their sampling problems. This responsibility includes such things as the application

of computer methods to sampling techniques used in such programs as Statistics of Income and Taxpayer Compliance Measurement; the use of area survey techniques to measure tax delinquency; assisting in the application of sample audit techniques to processing functions; using time samples to develop cost data for the Long-Range Plan; and review of sampling plans developed in other areas of the Service.

Sec. 1113.835 Program Management Branch.

Designs and develops operational plans for use in producing the statistics required by the Division's program, and prepares related procedures, forms, and instructions. Coordinates budget development for, and the planning, scheduling, and processing of the statistical work performed at decentralized locations. Conducts research into methods for controlling quality. Develops and applies operating techniques for quality control, providing standards of measurement and instituting methods developed through operations research. Evaluates statistics produced in terms of original specifications, costs, and procedures. Serves as the focal point for collaboration between National Office and field statisticians in the execution of continuing programs such as Statistics of Income, Taxpayer Compliance Measurement, and Statistical Quality Control. Guides and coordinates the activities of statisticians in the field processing centers to insure uniformity of method and adherence to common goals. Plans uniform statistical applications to be implemented by statisticians in the field processing centers. Provides the technical and clerical support for the manual compilation of management information and other reports.

Sec. 1113.84 Systems Development Division.

The Systems Development Division is concerned both with electronic systems and other systems, except for the implementation of the new integrated tax administration data processing systems. It conducts a continuing program relative to the availability and capability of electronic data processing systems and other electronic or automation equipment and systems, the feasibility and adaptability of electronic equipment to specific Service tasks, and the development of special modifications for Service purposes. The Division reviews and coordinates projects of other offices involving the adaptation of electronic equipment and participates in the selection and installation of electronic equipment and systems. With respect to other systems, the Division examines and makes recommendations for improvement or extension of internal systems (such as those relating to reporting, processing, accounting, enforcement, records management, and communications), reviews and coordinates system-improvement efforts of other offices, and initiates and develops projects of its own; furnishes other offices of the Service, on request, advisory and consultative services on

systems problems; studies possibilities of integrating paperwork and data-handling systems and equipment; and surveys, develops and tests equipment used or usable by the Service.

Sec. 1113.85 Tax Systems Redesign Division.

The Tax Systems Redesign Division is responsible for the development of requirements, preparing requests for proposals from vendors, evaluating vendors' proposals and recommending appropriate contract awards, and installing the new integrated tax administration data processing systems. These new systems replace not only the existing systems for revenue accounting and processing, with their limited capacity for serving other segments of the Service, but also provide an integrated data processing system available to all elements of the Service. Staffing and programs of the division represent all of the major organizational components, and close and continuous liaison is required with all users of the systems. The division is responsible for designing, implementing, and installing integrated tax administration systems which involve the service center, district offices, the National Computer Center, and the National and Regional offices. Responsibilities include such things as: development of major programs and procedural implementation instructions, preparation of detailed systems requirements and computer programs, design of systems acceptability tests, and design and management of data control systems. The division is also responsible for insuring the uninterrupted processing of returns, revenue accounting, and related activities while the original data processing system is being replaced by the new tax administration systems. While extensive coordination with user activities is required, and user skills are represented in the division staffing, the division is basically a self-contained organization (except for administrative support) having all the requisite skills and capable of expanding as the number and intensity of assignments increase. Subordinate organizational structure will be established as required at various stages, and the division will be absorbed into the continuing organization at the conclusion of the implementation stage.

Sec. 1113.86 Internal Management Documents Division.

The Internal Management Documents Division is responsible for designing and administering the Service's Internal Management Document System and for establishing standards for style and format of such National Office documents. The division reviews all Internal Management Documents, and memorandums and letters addressed to a group of field officials, issued from the National Office, for adequacy of coordination and clearance; determination of proper category for issuance; conformance with established Service policies, delegations of authority, and organizational titles and designations; effects coordination and clearance of such issuances as may be required; and arranges for publication in

the Federal Register of statements of Service organization and functions, and Commissioner's delegations of authority which affect the rights and duties of taxpayers. The division is responsible for substantive review, evaluation and coordination of new and revised statements of Service policy, delegation orders, and organizational changes, prepared for the Commissioner's approval; and effects coordination for Planning and Research matters involving the Freedom of Information Act and liaison with the Tax Administration Advisory Staff.

Sec. 1113.9 Office of Assistant Commissioner (Technical).

The Assistant Commissioner (Technical) acts as the principal assistant to the Commissioner in providing basic principles and rules for the uniform interpretation and application of the Federal tax laws (other than alcohol, tobacco, and firearms taxes under Subtitle E of the Internal Revenue Code). In carrying out this mission, he: Publishes rulings to announce interpretative positions of the Service; publishes explanatory booklets, pamphlets and other materials for the guidance of taxpayers and Service officials; issues rulings and advisory statements to taxpayers and Service officials; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profit-sharing plans; directs programs for clarification and simplification of tax rules; develops (and is responsible for the technical content of) all tax return forms and instructions (other than those relating to alcohol, tobacco and firearms taxes); reviews other public-use tax forms and form letters; acts as competent authority in matters involving interpretation or application of tax treaties; provides advice and assistance on technical matters throughout the Service, and to the Department of the Treasury, other Government agencies, and Congressional Committees; conducts a technical liaison program with Service field offices, conducts a Technical Field Conference program; coordinates with the Research Division of Planning and Research in providing advice and assistance on legislative matters; coordinates with the Office of Chief Counsel and the Department of the Treasury in providing advice and assistance on regulatory matters; reviews all new or amendatory regulations for administrative feasibility and adequacy; administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate and gift tax cases involving fine arts valuation; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; and coordinates with the other Assistant Commissioners, the Department of the Treasury, other Government agencies, and outside professional groups and industry and trade associations on matters of mutual concern. The Assistant Commissioner (Technical) is authorized to prescribe the extent, if any, to which any

ruling issued by or pursuant to authorization from him, shall be applied without retroactive effect. He is also authorized to enter into and approve a written agreement (Closing Agreement) with any person relating to the internal revenue tax liability, other than certain excise taxes, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed. The Assistant Commissioner (Technical) is responsible for and supervises the activities of three divisions: Income Tax Division; Miscellaneous and Special Provisions Tax Division; and Technical Publications and Services Division.

Sec. 1113.91 Income Tax Division—Office of the Director.

Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving: Income and employment taxes to corporate and noncorporate taxpayers (including individuals, partnerships, estates, and trusts); depreciation depletion, and valuation issues; the taxable status of exchanges and distributions in connection with corporate organizations, reorganizations, and liquidations; taxes imposed on self-employment income; and exemption of farmers' cooperatives from tax under IRC 521. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-Manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets, and other materials prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; determines the status of certain organizations as agencies or instrumentalities of the United States, a State or political subdivision thereof, or the District of Columbia, or agencies or instrumentalities of governments of foreign countries or political subdivisions thereof; reviews Actions on Decisions announcing the Commissioner's position on adverse decisions of the United States Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Research Division of Planning and Research in providing advice and assistance on legislative matters; initiates recommendations and coordinates with the Office of Chief Counsel and the Department of the Treasury in providing advice and assistance on regulatory matters; coordinates with the Office of the Chief Counsel and the Department of

Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, etc.; coordinates on matters of mutual concern with other Technical divisions, the Compliance organization, other offices of the Department of the Treasury, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programming, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associations to participate in conferences and to submit comments, briefs, and suggestions in connection with tax problems and matters involving Revenue Rulings or Revenue Procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the Technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss other matters of mutual concern; makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders; acts on applications for changes in or adoption of accounting methods and periods; and acts as competent authority in matters involving interpretation or application of tax treaties. In areas involving the application of Federal tax laws in connection with provisions relating to depreciation, depletion and valuation issues, this Division also: Passes upon requests for approval of plans for the aggregation of nonoperating mineral interests as a single property; post-audits the depreciation, depletion, and valuation issues of cases on which engineering reports have been prepared and a sample of other large cases involving such issues; upon request, provides direct assistance to regional and district offices on cases involving depreciation, depletion, and valuation issues; provides, or secures, expert witnesses in support of the Government position in cases in litigation, and assists Government counsel in preparation and

presentation of cases and in negotiations of settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops, and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to nonuniform treatment of issues; and administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate, and gift tax cases involving fine arts valuation. This Division also post-reviews field determination letters relating to the status of farmers' cooperatives under IRC 521. The Director is responsible for and supervises the activities of four branches: Corporation Tax Branch; Individual Income Tax Branch; Engineering and Valuation Branch; and Reorganization Branch.

Sec. 1113.911 Corporation Tax Branch.

In matters involving the application of Federal income tax laws to corporate taxpayers, including the taxation of insurance companies and those relating to consolidated returns of affiliated groups, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances, including material for the Exempt Organization Handbook relating to cooperatives; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions involving either corporate or noncorporate taxpayers with respect to: Income of States, Municipalities, etc.; appearances, etc., with respect to legislation; amortization of pollution control facilities; research and experimental expenditures; inventories, including LIFO; allocation of income and deductions among related taxpayers; sales of low income housing projects; cooperatives and their patrons; exemption of farmers' cooperatives from tax under IRC 521; regulated investment companies and their share-

holders; controlled foreign corporations and their U.S. shareholders; foreign tax matters which involve determination of sources of income; nonresident alien individuals and partnerships or of alien residents of Puerto Rico; compensation of employees of foreign governments or international organizations; income affected by treaty; foreign tax credit; earned income from sources without the United States; income from possessions; involuntary conversions; small business investment company stock losses; withholding of tax on nonresident aliens and foreign corporations; mitigation of effect of renegotiation of government contracts; requests for permission for change in or adoption of accounting periods and methods (except methods of accounting for depreciation and depletion); acts as competent authority in matters involving interpretation or application of tax treaties; and makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders. This Branch also post-reviews field determination letters relating to the status of farmers' cooperatives under IRC 521.

Sec. 1113.912 Engineering and Valuation Branch.

In matters involving the application of Federal tax laws in engineering and valuation areas, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures; Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; passes upon requests for permission to change methods of accounting for depreciation and depletion and for approval of plans for the aggregation of nonoperating mineral interests as a single property; conducts a post-audit review of field engineer reports and a sample of non-engineer reports which contain depreciation, depletion, and valuation issues for purposes of assessing the field treatment of engineering issues in order to provide uniform guidance, both on an individual basis by report, and on a Service-wide basis by publication in the Engineers'

Coordination Digest; provides direct assistance to regional and district offices, upon request; assists the Office of Chief Counsel and the Department of Justice in preparing and presenting cases in litigation, provides or secures expert witnesses in support of the Government's litigating position, and furnishes technical expertise in the negotiation of trial and pre-trial settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to non-uniform treatment of issues; prepares and maintains an up-to-date Engineering Citor; and administers the activities of the Art Advisory Panel embracing a Servicewide program for providing guidance and direct assistance to field offices in the disposition of income, estate and gift tax cases involving fine arts valuation.

Sec. 1113.913 Individual Income Tax Branch.

In matters involving the application of Federal income tax laws to noncorporate taxpayers (including partnerships, estates, and trusts), and with respect to the application of employment tax laws to both corporate and noncorporate taxpayers, and with respect to the taxes imposed on self-employment income, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions involving either noncorporate or corporate taxpayers with respect to: Charitable contributions; tenant-stockholders of cooperative housing corporations; employee stock option and stock purchase plans; real estate investment trusts; and election of certain small business corporations as to tax status and related matters, except the rules relating to certain qualified pension plans.

Sec. 1113.914 Reorganization Branch.

In matters involving the application of Federal income tax laws to exchanges and distributions in connection with corporate organizations, reorganizations, liquidations, and spin-offs, to stock dividends, redemptions, exchanges in obedience to Securities and Exchange Commission orders, to distributions pursuant to the Bank Holding Company Act, and to losses on small business stock, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions with respect to determinations as to whether distribution, exchanges, or transfers referred to in IRC 306(b)(4), 355(a)(1)(D)(ii), 367, and 1492 are in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

Sec. 1113.92 Miscellaneous and Special Provisions Tax Division—Office of the Director.

Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving Estate, gift, and certain excise taxes; organizations exempt from income tax under IRC 501; procedure and administration provisions of the Internal Revenue Code; matters requiring actuarial determinations; and the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans, and the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profit-sharing plans; drafts Revenue Rulings, Revenue Procedures,

Announcements and Releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-Manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets and other materials, prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; reviews Actions on Decisions announcing the Commissioner's position on adverse decisions of the United States Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Research Division of Planning and Research in providing advice and assistance on legislative matters; initiates recommendations and coordinates with the Office of Chief Counsel and the Department of the Treasury in providing advice and assistance on regulatory matters; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, etc.; coordinates on matters of mutual concern with other Technical divisions, the Compliance organization, other offices of the Department of the Treasury, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programming, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associates to participate in conferences and to submit comments, briefs, and suggestions in connection with tax problems and matters involving Revenue Rulings or Revenue Procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the Technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss

other matters of mutual concern; and acts as competent authority in matters involving interpretation or application of tax treaties. This Division also performs the same functions with respect to determinations under IRC 170(b)(1)(A) in all situations involving a provision of Subchapter F of Chapter 1, Chapter 42, or section 6033 of the Code, and in any other situation bearing on the status of an organization as a private foundation. In tax matters dealing with actuarial questions: Provides or secures expert witnesses in support of the Government position in cases in litigation, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements; and furnishes expert consulting assistance to other Service components, including the Office of the Chief Counsel, to the Department of the Treasury, and to other Federal and State Government agencies. This Division also: Post-reviews field determination letters relating to the status of organizations under IRC 501, and relating to qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans under IRC 401 through 407; prepares and submits to the Audit Division special audit coordination digests calling attention to district determinations that do not conform to published Service positions on issues under IRC 401 through 407; on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of determinations by District Directors under IRC 401 through 407; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status of organizations under IRC 501. The Director is responsible for and supervises the activities of six branches: Actuarial Branch; Administrative Provisions Branch; Estate and Gift Tax Branch; Excise Tax Branch; Exempt Organizations Branch; and Pension Trust Branch.

Sec. 1113.921 Actuarial Branch. In matters involving the application of Federal tax laws in the actuarial area, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other branches on matters of mutual concern; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; participates in the Technical Field Conference Program; and provides, or secures, expert witnesses in support of the Government position in cases

in litigation involving pension plans, insurance, and other tax matters dealing with actuarial questions, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements. This Branch also furnishes expert consulting assistance to other Service components (including the Office of the Chief Counsel), to the Department of the Treasury, and to other Federal and State Government agencies on actuarial questions involved in: Valuation of life estates, remainder interests, contingent assurances, series of payments, and reversionary interests; tax treatment of pension, profit-sharing, stock bonus, annuity, life insurance, accident and health, and other benefit and compensation plans and contracts; deductions for amounts paid or accrued on indebtedness under insurance contracts; and taxation of life insurance companies.

Sec. 1113.922 Administrative Provisions Branch.

In matters involving the application of the procedure and administration provisions of the Internal Revenue Code, and similar provisions of related statutes, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon requests submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches and other offices of the Service on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program.

Sec. 1113.923 Estate and Gift Tax Branch.

In matters involving the application of Federal estate and gift laws, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Coun-

sel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; as requested, furnishes assistance in negotiations or renegotiations of estate and gift tax conventions with representatives of foreign countries; acts as competent authority in matters involving interpretation or application of tax treaties; and participates in the Technical Field Conference Program.

Sec. 1113.924 Excise Tax Branch.

In matters involving the application of Federal excise tax laws other than those involving excise taxes imposed by Chapter 42 on private foundations and certain related parties, and the alcohol, tobacco and firearms taxes (but including the manufacturer's excise tax on firearms under IRC 4181 and 4182), this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies; and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program.

Sec. 1113.925 Exempt Organizations Branch.

In matters involving the exemption of organizations under IRC 501, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; maintains in current status a comprehensive Exempt Organizations Handbook; conducts special studies directed toward resolving technical problem

areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; participates in the Technical Field Conference Program; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status of organizations. This Branch also performs the same functions with respect to exempt organization matters involving: Feeder organizations; prohibited transactions; unreasonable accumulations, or misuse, of income; liability for tax on unrelated business taxable income; requirements for filing annual information returns and other reports; determination of status as a private foundation; determinations under IRC 170(b)(1)(A) in all situations involving a provision of Subchapter F of Chapter 1, Chapter 42, or section 6033 of the Code, and in any other situation bearing on the status of an organization as a private foundation; termination of private foundation status; special rules prescribed in IRC 508 with respect to IRC 501(c)(3) organizations; excise taxes imposed by Chapter 42 on private foundations and certain related parties, including questions arising under the savings provisions of section 101(1) of the Tax Reform Act of 1969; assessable penalties relating to private foundations; restrictions on examination of churches; determinations of status required under IRC 1504(e) for qualification of certain exempt organizations to file consolidated corporate returns.

SEC. 1113.926 Pension Trust Branch.

In matters involving the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans and the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans, pursuant to IRC 401 through 407, this Branch: Issues rulings, technical advice, and general technical information; issues opinion letters to sponsoring organizations on master and prototype pension, annuity and profit-sharing plans; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel),

the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; post-reviews field determination letters and, on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of District Directors' determinations; prepares special audit coordination digests regarding conformance of field actions with established positions on stated issues; determines the applicability of the annuity treatment under IRC 72, the death benefit, exclusion under IRC 101(b), and the sick pay exclusion under IRC 105(d), to distributions under qualified plans and exempt employees' trusts; passes upon the tax treatment accorded deferred compensation under nonqualified plans; and participates in the Technical Field Conference Program. This Branch also performs the same functions with respect to pension trust matters involving: Exemption of employees' trusts under IRC 501; collateral matters involving the treatment of medical benefits for retired employees under qualified pension plans, the limitations and restrictions on self-employed persons participating in qualified plans, and the tax treatment of distributions to non-resident aliens; deductions by acquiring corporations for carryovers under IRC 381(c)(11) and (20); feeder organizations; prohibited transactions; liability for tax on unrelated business taxable income; and additional requirements and limitations under IRC 1379 with respect to plans that provide contributions or benefits for shareholder-employees of an electing small business corporation.

SEC. 1113.93 Technical Publications and Services Division—Office of the Director.

Has primary responsibility in Technical for functions related to: Tax return forms; other public-use forms and form letters; taxpayer publications; internal-use technical publications; field liaison programs; Part XI of the Manual; the "Freedom of Information Act"; technical and general correspondence; Congressional liaison; research facilities and reference services; and control and maintenance of correspondence files and exempt organization application files. In carrying out these responsibilities, the Division: Conducts a program for the development, annually or as needed, of all Federal tax return forms and instructions (other than those relating to alcohol, tobacco, and firearms taxes); coordinates and assists in the work of the National Office Tax Forms Coordinating Committee in planning, reviewing and

approving tax return forms materials; assists the National Office Tax Forms Coordinating Committee by reviewing other public-use forms and form letters used by the Service; furnishes technical assistance to the Department of the Treasury and others on tax return matters; conducts a program for publication of the Internal Revenue Bulletin and related publications; conducts a program for preparation and publication of technical booklets, pamphlets, and other materials for the guidance of taxpayers, tax practitioners and Service personnel; reviews tax guide material prepared by other Government agencies; reviews or drafts tax guide material for dissemination through newspapers, other periodicals, radio, and television; reviews tax law training material for classroom and correspondence instruction of Service personnel; drafts expository papers on major technical developments for the instruction of Service personnel; drafts digests of significant developments to keep Service personnel abreast of changes; promotes and coordinates the Technical liaison program with regional and district offices; conducts special surveys of Service field offices; coordinates the Technical Field Conference Program; coordinates the development and publication of material for Part XI of the Internal Revenue Manual; coordinates the activities of the Technical organization under the Freedom of Information Act; coordinates Technical's correspondence program; provides research facilities and reference services; and maintains, and processes requests for inspection of, exempt organization application files. The Director is responsible for and supervises the activities of three branches: Tax Forms Development Branch; Technical Publications Branch; and Technical Services Branch.

SEC. 1113.931 Tax Forms Development Branch.

Assists in conducting the Service's public-use forms and instructions, and form letters programs. In carrying out these responsibilities, this Branch: On annual basis, or when otherwise necessary, initiates, develops, and revises the technical content of all Federal tax return forms, instructions, schedules, etc., relating to income, employment, estate, gift, and excise taxes (other than those relating to alcohol, tobacco, and firearms taxes); provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in planning, reviewing and approving all tax return forms materials; provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in its review and approval functions relating to other public-use forms and form letters; prepares replies to inquiries from Members of Congress, other Government agencies, professional groups, and the public on matters relating to the forms program; evaluates, and prepares replies to, suggestions on matters relating to tax return forms and other public-use forms; prepares Announcements and

Releases, and IR-Manual issuances, relating to tax return forms and other public-use forms; provides advice and assistance to other offices in the Service, the Department of the Treasury, and Congressional Committees in matters relating to tax return forms and instructions; and coordinates with other Technical branches on matters of mutual concern.

Sec. 1113.932 Technical Publications Branch.

Conducts the publications programs of the Technical organization. In carrying out this responsibility, this Branch: Compiles material for publication in the weekly Internal Revenue Bulletin, which is the Commissioner's authoritative instrument for announcing official rulings and procedures of the Service and for publishing Treasury Decisions, Executive Orders, tax conventions, legislation, court decisions, and other items of general interest; compiles all precedent material in the weekly Internal Revenue Bulletins for publication in semiannual Cumulative Bulletins; prepares digests of all substantive materials in the Bulletin for publication in the Index-Digest System, complete with topical indexes and finding lists, for research use by the public and Service personnel; compiles record retention requirements from regulations for publication in the Federal Register; drafts summaries of selected authoritative material for publication in Tax Briefs to keep Service personnel abreast of significant developments in Federal taxation; compiles the Service's Loose-leaf Regulations System and drafts appropriate transmittals and filing instructions; compiles items to be published in the biennial Cumulative List of Exempt Organizations, its bimonthly supplements, and the announcements of current deletions in the Bulletin; initiates actions to preserve the standards and improve the effectiveness of the Bulletin system; drafts plain-language explanations of all Federal tax laws (other than those relating to alcohol, tobacco, and firearms taxes) for publication in booklets such as Your Federal Income Tax, Tax Guide for Small Business, Farmer's Tax Guide, and numerous pamphlets, to inform the public about the rights and duties of taxpayers; drafts plain-language instructional material for publication in the Teaching Taxes program; reviews material relating to Federal taxation in booklets and other issuances initiated by other Government agencies, and by others, when such cooperation is in the best interests of the Service; reviews for technical accuracy releases, articles, notices, and radio and television program materials, prepared for issuance by Public Affairs Division; drafts in-depth analyses and explanations of major developments in Federal taxation for publication in quarterly, annual, and special issues of the Review of Technical Developments, which are used to update the technical skills of Service personnel; participates in the drafting and reviewing of technical tax handbooks and guides for Service personnel and technical law text ma-

terials for use in Service training programs; drafts material for publication in Reports on Current Tax Literature to keep Service officials apprised about articles, comments, etc., published outside the Service regarding tax loopholes or inequities, and criticism of Service position; prepares Announcements and Releases, and IR-Manual issuances relating to the publications program; coordinates with other Technical branches, Chief Counsel, Audit Division, and others on matters of mutual concern; and coordinates with Publications Branch of Facilities Management Division and the Government Printing Office in the development of Production Control Schedules, format design, proof processing, and other matters of mutual interest.

Sec. 1113.933 Technical Services Branch.

Issues general technical information letters, coordinates the overall correspondence program of the Technical or Technical. In carrying out these responsibilities, this Branch: Issues direct replies to all communications involving requests for information of a general technical or procedural nature, including a substantial portion of Congressional inquiries directed to Technical; serves as liaison office and point of contact on all Congressional office inquiries, oral or written, relating to matters under the jurisdiction of Technical; coordinates with other offices in Compliance, Chief Counsel, Accounts, Collection and Taxpayer Service, and administration on correspondence crossing jurisdictional lines; keeps the Assistant Commissioner (Technical) informed regarding incoming communications involving sensitive or controversial matters; promotes and coordinates the Technical liaison program with regional and district offices involving the submission of field reports on administrative problems, tax abuses, tax inequities, the quality and effectiveness of tax return forms and instructions, and the need for new or amendatory regulations; conducts special surveys to obtain factual information from Service field offices on particular tax areas at the request of the Department of the Treasury or National Office components; coordinates the Technical Field Conference program whereby teams of specialists in the various tax areas and representatives of the Chief Counsel's office and the Audit Division meet with field officials in district offices to discuss technical matters of mutual interest or concern; coordinates the preparation and clearance of material for Part XI of the Internal Revenue Manual; coordinates actions for the Technical organization on matters involving the Freedom of Information Act; maintains a technical reference library and provides research assistance and reference services for personnel of the Technical organization and other offices in the National Office, corresponds with field offices to supply or request needed information on current or prior matters; analyzes, acknowledges receipt, and directs the flow of all incoming correspondence, including requests for rul-

ings and technical advice, general technical inquiries, reports submitted by Service field offices under the Technical Coordination Program, etc., to the appropriate Technical divisions or branches; and processes, maintains, and services all closed correspondence files and related records for the Technical organization. This Branch also maintains and services exempt organization application files that are open to public inspection, processes requests for in-delete certain materials that are exempt from public inspection.

Sec. 1113.(10) Office of Assistant Commissioner (Stabilization).

The Assistant Commissioner (Stabilization) is the principal assistant to the Commissioner in administering the Stabilization Program of the Internal Revenue Service, which includes monitoring and enforcing the stabilization of prices, wages, and salaries pursuant to the coverage, classifications, and implementation procedures established by the Cost of Living Council. Such functions include, but are not limited to: advising the Cost of Living Council on matters concerning compliance with and implementation of decisions and regulations issued by the Council, and suggest changes which would lead to greater voluntary compliance or more effective use of resources; operation and maintenance of a nationwide network of Stabilization offices established in support of the Economic Stabilization Program; dissemination of information and guidance in response to inquiries from the public, to the extent authority has been delegated by the Cost of Living Council; planning for an effective enforcement program, including selecting industry targets, conducting investigations initiated locally or as directed by the Cost of Living Council; receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to alleged program violations, and taking enforcement action or recommending it to the Cost of Living Council, when necessary; receiving and processing price stabilization forms, reports, applications, and other information required to be submitted by firms covered under Phase IV regulations; making decisions and issuing orders with respect to notices of proposed price increases to the extent authority has been delegated by the Cost of Living Council; making decisions and issuing orders with respect to special filings, including applications for volatile pricing authority, loss or low profit pricing, merchandise pricing plans as delegated by the Cost of Living Council; making decisions and issuing orders with respect to individual requests for exceptions from the price regulations, and with respect to requests for reconsideration of initial decisions made and orders issued, to the extent authority has been delegated by the Cost of Living Council; and maintaining adequate records and making periodic reports to the Cost of Living Council. The Assistant Commissioner (Stabilization) is responsible for and supervises the activities of the Technical

Programs Division, the Compliance and Enforcement Division, the Planning and Program Staff, and the Administrative Office.

Sec. 1113.(10)1 Planning and Program Staff.

The Planning and Program Staff is the principal advisor to the Assistant Commissioner (Stabilization) for insuring maximum use of Stabilization resources through planning for and evaluating the utilization of these resources. Also coordinates matters affecting all Divisions of Stabilization, provides liaison with the Cost of Living Council, and consults with IRS functional officials in manpower or program issues which bear on Stabilization operations. In matters involving resources, this staff develops and monitors, in cooperation with other offices and the Cost of Living Council, long-range goals; estimates resource needs and prepares financial plans and recommends dollar and manpower resource allocations for all Stabilization activities based upon projected workload; monitors the execution of Stabilization manpower and financial resources; assesses the resource impact of current program and proposed program changes; and works with other National Office activities on manpower allocations. Develops organization, staffing, and position management control guidelines and coordinates all personnel management actions having Servicewide impact. Spearheads in-depth analyses of district and regional office operations, and effectiveness of stabilization areas, and provides the A/C (Stabilization) with data to meet his needs for NORP participation as well as for ongoing management appraisals and decisions. Assesses program accomplishments, trends, or developments of specific interest to the Assistant Commissioner. Coordinates with Internal Audit a program for obtaining additional data relevant to an evaluation of Stabilization program management. Provides recurring and other special reports to Deputy Commissioner, Commissioner, and the Cost of Living Council. Is the principal liaison with Stabilization field offices and provides assistance to the field on matters involving several divisions and represents the Assistant Commissioner at field conferences. Analyzes the biweekly field reports and coordinates for the Assistant Commissioner, division responses to field requests for corrective action and is responsible for identifying field problems and providing assistance when field problems arise as a result of unclear procedures, conflicting instructions, or lack of definitive policy interpretations. Coordinates with Public Affairs Division in developing an effective public information program for Stabilization.

Sec. 1113.(10)2 Administrative Office.

Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Stabilization) at the National level, assisting and collaborating with Division Directors in providing personnel, space management, duplication, supply, and other administrative services.

Sec. 1113.(10)3 Technical Programs Division.

Serves as the organization responsible for activities relating to the processing of price prenotifications, price increase reports, quarterly financial reports, merchandise pricing plans, exceptions, reconsiderations and other documents required to be filed in accordance with Economic Stabilization Regulations. It is also responsible for providing technical and interpretive advice and assistance to the IRS Stabilization Program and to the public.

Develops programs on and exercises functional supervision over Servicewide Economic Stabilization activities involving the processing of price prenotifications, price increase reports, quarterly financial reports, merchandise pricing plans, exceptions, reconsiderations and other documents required to be filed in accordance with Economic Stabilization Regulations. Develops procedures and assists field offices to assure uniformity and consistency of decisions; provides advice to field offices on case-related matters; reviews and approves proposed actions recommended by district offices in certain specific cases. For consistency of decisions, recommends appropriate action, and transmits decisions to district offices; reviews field office case processing to discern trends and precedents; identifies problem areas of nationwide concern, for consideration by the Cost of Living Council; identifies the need for, and recommends to the Cost of Living Council delegations of authority to the Internal Revenue Service; develops management information to be used to keep Internal Revenue Service management and the Cost of Living Council apprised of price prenotifications, merchandise pricing plans, exceptions and reconsiderations program execution. Provides technical and general information to the public; develops or reviews all Stabilization forms and publications; reviews proposed regulations and ruling; furnishes interpretive support to other organizational components of the Assistant Commissioner (Stabilization), serves as the liaison with other Federal, State, and local government agencies and with private or public interest groups. Provides technical assistance to the field and assures program uniformity.

The Director is responsible for and supervises the activities of three Branches: Interpretations Branch, Price Analysis Branch and Publications and Guidance Materials Branch. The Director also serves as Deputy Assistant Commissioner (Stabilization).

Sec. 1113.(10)31 Interpretations Branch.

Serves as the organization responsible for providing technical and interpretive advice and assistance to the IRS Stabilization Program.

Receives, comments on the reviews for administrative feasibility and adequacy Cost of Living Council drafts of regulations; reviews documents, questions and answer, news releases, forms and other publications to ensure technical accu-

racy; advises on Stabilization disclosure matters, testimony instructions, and release of Stabilization information as requested under the Freedom of Information Act; serves as contact point for all field technical problems; promotes and conducts institutes and conferences designed to foster voluntary compliance; exercises functional responsibility for programs concerning walk-in and telephone requests for public service or assistance, written inquiries, and other requests of a service nature performed in the field; provides assistance and guidance to the field in implementing, monitoring, and evaluating technical and service programs; coordinates activities of the Local Service and Compliance Centers with the Office of the Assistant Commissioner (ACTS).

Sec. 1113.(10)32 Price Analysis Branch.

Plans, directs and exercises functional supervision over field office activities relating to the processing of price prenotifications, price increase reports, quarterly financial reports, merchandise pricing plans, exceptions, reconsiderations and other documents required to be filed in accordance with Economic Stabilization Regulations. Develops procedures and assists field offices to assure uniformity and consistency of decisions; provides advice to field offices on case-related matters; reviews and approve proposed actions recommended by district offices in certain specific cases. For consistency of decisions, recommends appropriate action, and transmits decisions to district offices; reviews field office case processing to discern trends and precedents; identifies problem areas of nationwide concern, for consideration by the Cost of Living Council; identifies the need for, and recommends to the Cost of Living Council delegations of authority to the Internal Revenue Service; develops management information to be used to keep Internal Revenue Service management and the Cost of Living Council apprised of price prenotifications, merchandise pricing plans, exceptions and reconsiderations program execution.

Sec. 1113.(10)33. Publications and Guidance Materials Branch.

Develops publications and guidance material procedures for field and National Office use. Determines the content, directs the compilations, and reviews the Stabilization Program Guidelines (SPG) Service. Develops plain language publications and educational material used to inform Service employees and the public of substantive and procedural matters. Translates selected publications into Spanish for use in the Spanish-speaking communities. Identifies need for and develops publications independently and at the request of the Cost of Living Council; distributes publications throughout the country to appropriate business firms, associations, and other professional organizations. Plans, coordinates, and provides editorial support for publication of forms and form

letters; reviews, for administrative feasibility, consistency, and adequacy, all proposed Cost of Living Council public-use forms. Coordinates the presentation and clearance of Stabilization material for the IR Manual. Operates a correspondence unit that serves as the National Office clearing and routing center for all public and Congressional correspondence relating to Stabilization matters; maintains liaison with the Cost of Living Council concerning Congressional inquiries to the field; and maintains adequate records.

Sec. 1113.(10)4 Compliance and Enforcement Division.

In matters involving compliance and enforcement activities under the Phase IV Economic Stabilization regulations, this division: develops and exercises functional supervision of nationwide and local investigative and industry monitoring programs as directed by the Cost of Living Council or initiated by IRS; designs, implements, and reports on CLC-directed pay or price investigations of firms; designs, implements, and reports on CLC-directed pay or price factfinding surveys for industries, both in the controlled and uncontrolled sectors; designs, implements and reports on IRS locally initiated pay or price investigations for firms in controlled industries; develops and exercises functional supervision of nationwide and local enforcement activities as authorized and directed by CLC; designs, implements and reports analysis of economic developments and trends within broad industry groupings as received from field offices and nationally-gathered providing same to CLC as leads for enforcement and compliance action; engages in other special projects deemed appropriate by CLC and IRS; coordinates investigations involving several districts or regions; provides guidance to certain districts which have operational responsibility for conducting such investigations; informs and reports to CLC on investigation and analysis progress and status; designs and engages in a program of handling citizen complaints of violations of the ESP regulations; coordinates activities with other Stabilization organizational elements; and maintains adequate records. The Director is responsible for and supervises the activities of four branches: Compliance Investigations Branch, Case Control and Reports Branch, Industry Survey and Analysis Branch and Pay Branch.

Sec. 1113.(10)41 Compliance Investigations Branch.

In matters involving compliance administration, this branch: formulates policy and programs involving compliance with the Economic Stabilization Act; designs, initiates, and reports on nationwide and local Cost of Living Council directed price investigations; assists Cost of Living Council in formulating, implementing, monitoring and evaluating audit specifications and procedures, informs Cost of Living Council as to case progress and status; provides assistance and guidance to the field in

implementing investigations; coordinates investigations involving several districts or regions; coordinates activities with other Stabilization organization elements and maintains adequate records.

Sec. 1113.(10)42 Industry Survey and Analysis Branch.

In matters involving the survey and analysis of industries, this branch: conducts Cost of Living Council directed price fact-finding surveys of industries; conducts CLC—and IRS-assigned special projects and analysis; engages in special economic analysis and targeting to monitor, analyze and present findings relating to on-going industry surveys where indicated with results and findings given to CLC for action and follow-up authority; maintains a program of nationwide information-gathering on economic developments and trends within broad industry groups by receiving, processing and analyzing information received from field offices, providing information to the CLC as leads for enforcement and compliance action; informs the CLC as to monitoring progress and status; provides assistance and guidance to the field in implementing and evaluating information-monitoring programs; drafts procedures for field information-monitoring programs; coordinates activities with other Stabilization organizational elements; coordinates monitoring operations which are of nationwide significance or involve several districts, and maintains adequate records.

Sec. 1113.(10)43 Pay Branch.

In matters of wage and pay investigations and surveys for both the controlled and uncontrolled industry sectors of the economy, this branch: designs, implements, monitors, evaluates and reports on CLC-directed nationwide pay investigations; designs, implements, evaluates and reports on CLC-directed pay fact-finding surveys and monitoring of nationwide wage and pay matters in the uncontrolled sector; manages and controls wage and pay investigations, surveys and programs; informs the Cost of Living Council as to case progress and status; coordinates activities with other Stabilization organizational elements; coordinates investigations which are of nationwide significance or involve several districts, and maintains adequate records.

Sec. 1113.(10)44 Case Control and Reports Branch.

Designs, develops, installs, monitors, and evaluates reporting systems for the Office of Assistant Commissioner (Stabilization) in coordination with the Cost of Living Council. Consults and participates in the design and development of other Stabilization information systems. Develops statistical indicators to evaluate operations in a particular program area or element in order to identify significant trends. Provides an advisory service to the A/C Stabilization by identifying significant happenings, developing trends, identifying possible trouble areas and forecasting conditions within the Stabilization Program. Develops and

monitors, in cooperation with CLC, an interactive computer/remove terminal management information system. Provides computer output reports to IRS/ESP. Provides CLC with manual reports not on the data base. Identifies and fulfills training needs for remote terminal operators in 29 key districts. Provides a nationwide net of telecommunications and facsimile transmission facilities for the ESP. Provides an automated Case Control system for monitoring directed investigations. Coordinates and develops specifications for Stabilization's IRS data processing requirements. Provides records management for Stabilization. Maintains adequate records and controls.

Sec. 1113.(11) Office of the Chief Counsel.

The Chief Counsel, and Assistant General Counsel of the Treasury Department, serves as a member of the Commissioner's executive staff and as counsel and legal officer to the Commissioner on all matters pertaining to the administration and enforcement of the internal revenue laws and related statutes, and on all legal matters pertaining to the Service's economic stabilization activities. The key officials under his supervision are: Deputy Chief Counsels, Associate Chief Counsel (Litigation), Associate Chief Counsel (Technical), Staff Assistants, Technical Advisors, Special Assistants, Director of the Operations and Planning Division, and Regional Counsel.

Sec. 1113.(11)1 Deputy Chief Counsels.

The two Deputy Chief Counsels act for and represent the Chief Counsel in the development of policies governing the Office of the Chief Counsel, and assist the Chief Counsel in the formulation of tax litigation policy and the interpretation and development of the internal revenue laws.

Sec. 1113.(11)2 Associate Chief Counsel (Litigation).

Plans, directs, coordinates and controls the policies and programs pertaining to Tax Court Litigation; Criminal Tax; General Litigation; and Refund Litigation work.

Sec. 1113.(11)21 Tax Court Litigation Division.

The Tax Court Litigation Division develops policies, programs, and procedures relating to the disposition of tax cases pending in the United States Tax Court; supervises and coordinates the defense and settlement and the processing and handling of such cases, including preparation of pleadings, recomputations and other documents filed with the Tax Court together with hearings thereon to assure uniform treatment; coordinates and reviews Tax Court matters prepared in the Regional Offices; including the rendering of technical advice to the field offices, the approval of Chief Counsel's Decisions, the review of briefs to be filed with the Tax Court and recommendations of field offices for acquiescence or non-acquiescence in adverse Tax Court decisions; prepares recommendations to

the Department of Justice for the Commissioner's appeals to the Courts of Appeals and prepares petitions and records on review in such cases; makes recommendations to that Department regarding offers in compromise or settlement and prepares recommendations for or against filing petitions for writs of certiorari to the Supreme Court in such cases. It supervises the preparation and trial of cases assigned to, and handled by, attorneys in the Trial Branch.

Sec. 1113.(11)22 Criminal Tax Division.

The Criminal Tax Division handles and prepares for final decision those criminal tax cases referred to the Chief Counsel by Regional Counsel or by the National Office. It considers cases in which the Regional Commissioner and the Director of the Intelligence Division of the Office of the Assistant Commissioner (Compliance) do not concur in recommendations of Regional Counsel involving prosecution. The Division prepares acquiescence memorandums or protest letters on decisions by the Department of Justice or United States Attorneys against prosecution and recommendations to the Department of Justice respecting appeals of court decisions in criminal tax cases. It also prepares law opinions in cases involving penalties or other legal questions with respect to criminal cases or investigations or with respect to the disclosure of information. The Division coordinates with the Department of Justice or interested branches of the Service any questions involving investigations or actions respecting the civil aspects of pending criminal cases.

Sec. 1113.(11)23 General Litigation Division.

The General Litigation Division supervises and coordinates legal work or Regional Counsel on collection litigation matters. It reviews certain offers in compromise (except those concerning alcohol, tobacco, and firearms taxes). It prepares advisory opinions on collection litigation matters. The Division prepares and reviews recommendations to the Department of Justice concerning certiorari, appeal and petition for review in relation to all collection litigation cases. It handles certain legal work for the Director of General Operations. The General Litigation Division prepares and reviews recommendations to the Department of Justice concerning the defense of injunction actions to restrain the assessment or collection of federal taxes; offers in settlement; the waiver or release of a right to redeem under 28 U.S.C. 2410; and suits for the civil enforcement of summonses. Similarly, the Division considers recommendations that the Commissioner authorize or sanction affirmative action in insolvency cases (including decedents' estate proceedings), suits for foreclosure of mortgages or other liens and suits to quiet title where the United States is named as a party defendant, cases involving appointment of a receiver in aid of foreclosure of Federal tax liens, and suits for the collection of taxes.

Sec. 1113.(11)24 Refund Litigation Division.

The Refund Litigation Division performs all necessary legal service on behalf of the Internal Revenue Service in connection with taxpayers' suits for refund of taxes (except alcohol and tobacco taxes). It determines and coordinates the legal position of the Service in such suits and incorporates such determinations in recommendations to the Department of Justice with respect to the defense of such suits, the acceptance or rejection of settlement proposals and appeals and petitions for certiorari from adverse court decisions. The Division performs all necessary legal services on behalf of the Service in connection with all civil litigation affecting the Service and not within the responsibility of any other Division.

Sec. 1113.(11)3 Associate Chief Counsel (Technical).

Plans, directs, coordinates and controls the policies and programs pertaining to Legislation and Regulations, and Interpretative work.

Sec. 1113.(11)31 Legislation and Regulations Division.

The Legislation and Regulations Division has the basic responsibility for representing the Internal Revenue Service in connection with legislation affecting the various internal revenue taxes and for the preparation of regulations required to be issued in connection with those taxes, except for taxes relating to alcohol, tobacco, and certain firearms. In discharging this responsibility, the Division: participates in the development and drafting of new and amendatory internal revenue legislation and in connection therewith furnishes required technical assistance; prepares new and revised regulations; prepares reports on private and public bills; prepares news and information releases relating to regulations; prepares responses to correspondence concerning legislation and regulations from the Congress and the public; and, in developing regulations, arranges and conducts public hearings and meeting with taxpayers and their representatives and with professional and industry groups. The Division prepares Executive orders and related papers authorizing the inspection of tax returns, and reviews and prepares amendments to the Statement of Procedural Rules. The Division represents the Internal Revenue Service with respect to the negotiation and drafting of tax treaties with foreign countries and the preparation of the necessary implementing regulations.

Sec. 1113.(11)32 Interpretative Division.

The Interpretative Division reviews as to form and legality interpretations of internal revenue statutes and regulations and other law and legal materials bearing upon the administration of the Internal Revenue Service except those relating to alcohol, tobacco, and firearms matters; criminal tax investigations and prosecutions; lien and collection matters, including those involving bankruptcies, receiverships and other insolvencies; ad-

ministrative matters; disclosure matters; and summons enforcement matters. The Division prepares formal opinions of the Chief Counsel in assisting him in carrying out his functions as legal advisor to the Commissioner in the technical area. The Division is also responsible for the legal review of closing agreements.

Sec. 1113.(11)4 Operations and Planning Division.

Operations and Planning Division is responsible for all law work in the Internal Revenue Service other than substantive tax law work; at the direction of the Chief Counsel performs special assignments of a technical nature in substantive tax law. The Division serves as the principal legal advisor to the Assistant Commissioner (Administration), the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) and the Assistant Commissioner (Inspection). The Division is responsible for the supervision and coordination of all legal management work of the Chief Counsel's Office (National Office and all field offices); establishes and maintains appropriate standards of professional competence by members of the legal staff of the Office and evaluates their legal competence; analyzes the workload of the Office, and determines the distribution of personnel available to handle the workload. The Division is responsible for the general supervision of all matters relating to administration and management in the Office of the Chief Counsel. Reviews and prepares for action enrollee and disbarment cases referred to the Chief Counsel by the Director of Practice, and represents the latter in the trial of cases before Hearing Examiners.

Sec. 1114 Office of Regional Commissioner.

Sec. 1114.1 Mission.

The mission of the Office of Regional Commissioner is to execute the broad nationwide policies and programs for the administration of the internal revenue laws, to carry out appellate programs at the regional level, and direct and coordinate the functions and activities of the District Offices within the region.

Sec. 1114.2 Basic organization.

The principal organization components of the typical Office of the Regional Commissioner are the immediate Office of the Regional Commissioner, the Administration Division, the Appellate Division, the Audit Division, the Accounts, Collection, and Taxpayer Service Division, the Intelligence Division, and the Stabilization Division. An Assistant Regional Commissioner heads each division.

Sec. 1114.3 Regional Commissioner.

The Regional Commissioner administers within an assigned regional area the accounts, collection, and taxpayer service; audit; intelligence; appellate; economic stabilization; and administration programs of the Internal Revenue Service. He carries out Service policies and programs in conformity with delegations of authority and, in this connection, establishes regional standards and programs to assure proper and effective implementation of Service-wide policies

and programs within his region. The Regional Commissioner supervises and coordinates the work of the staff of the Regional Office and the District Directors within his region to assure that work is processed in an orderly and timely manner, and that proper and equitable emphasis is placed and directed toward the accomplishment of current program objectives. As the principal field official, he evaluates the effectiveness of Service policies and programs, and advises the National Office as to the need for revising such policies and programs to bring about improved operations or service.

SEC. 1114.4 Assistant Regional Commissioner (Administration).

The Assistant Regional Commissioner (Administration) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the administration activities of the Service under the jurisdiction of the Regional Commissioner to ensure that administration policies and programs are properly executed. In conformity with administration policies, and programs established by the National Office, he develops regional standards and other measures necessary to implement most effectively the administration program of the Service which includes budget and fiscal management, personnel administration, training, public information, property and records management, use of facilities, printing and reproduction, and reports management. He also coordinates organization planning and advises and makes recommendations to the Regional Commissioner thereon; and furnishes guidance for and coordinates management programs. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional administration programs and recommends improvements and adjustments therein needed to bring about and sustain a high level of performance in administration activities within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of administration policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base administration policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating administration operations. Within the limits of his delegated authority, he provides the Regional Counsel and Regional Inspector with such administrative services as they may require in the performance of their duties. He is responsible for and supervises the activities of four branches: Facilities Management Branch, Fiscal Management Branch, Personnel Branch, and Training and Development Branch.

SEC. 1114.41 Facilities Management Branch.

The Facilities Management Branch coordinates, evaluates and carries out re-

gion-wide programs for providing essential support activities designed to increase the effectiveness of the region, reduce its operating costs and improve taxpayer relations. Develops, within the broad guidelines established by the National Office standards and procedures for such matters as the management of paperwork; space; property and supply; procurement and contracts; production, storage, and distribution of forms and publications initiated within the region and distribution and requirements of National Office forms and publications; emergency planning for civil defense; fire and safety, document and property security; and processes all claims arising within the region under the Federal Tort Claims Act.

SEC. 1114.42 Fiscal Management Branch.

The Fiscal Management Branch performs, coordinates and evaluates budgeting, administrative accounting and financial reporting (other than for revenue collections) for the region, including the preparation of the financial plan within over-all budget limitations, submission of budget data, allotment of funds, maintenance of accounts, and examination of vouchers. This Branch participates in long-range planning involving expenditures for personnel, equipment, administrative services, space and similar items.

SEC. 1114.43 Personnel Branch.

The Personnel Branch develops and evaluates the regional personnel program and standards relating to recruitment and selection, employee relations, disciplinary actions, performance, evaluation, promotions, in-service placements, incentive awards, records, reports and other aspects of a complete personnel program, within the frame work of Service policies, programs and procedures established by the National Office, and conducts the personnel program for the Regional Office. It conducts the position classification program for the region. The Branch represents the region in contacts with employee groups and the Regional Directors of the Civil Service Commission.

SEC. 1114.44 Training and Development Branch.

The Training and Development Branch is responsible for the administration, conduct, and evaluation of all the Region's Servicewide courses and for providing functional guidance, support, and coordination to local training. These programs include initial orientation, technical training, instructor training, supervisory and managerial training, career development programs, on-the-job and refresher training, and taxpayer education programs. The Branch is responsible for the Regional organizational development program, the planned, systematic approach to equipping Service managers to anticipate, identify, and, through the use of tested techniques such as "team building," overcome the obstacles to effective organizational operation. The Branch is also responsible for the operation of the Regional Training Center(s). Where the Center is not in

the proximity of the Regional Office site, a Training Center Officer, under the direction of the Regional Training Officer, supervises its day-to-day operation. The Branch also provides training assistance to State and local government agencies.

SEC. 1114.5 Assistant Regional Commissioner (Appellate).

The Assistant Regional Commissioner (Appellate) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the appellate activities of the Service under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for a program of hearing and undertaking final settlement of taxpayers' appeals from determinations of tax liability made by District Directors within the region, involving income, profits, estate, gift, and employment taxes, and excise taxes except those imposed on alcohol, wagering, narcotics, firearms, and tobacco; and for a program of hearing and, with concurrence of Regional Counsel, undertaking final settlement of certain cases docketed in the United States Tax Court. His program includes preparing reports to the Joint Committee on Internal Revenue Taxation in Appellate cases involving overpayments in excess of \$100,000, and hearing administrative appeals in offer in compromise cases. In the foregoing programs, he represents the Regional Commissioner and exercises authority under delegation of authority from the Commissioner of Internal Revenue. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of appellate policies, programs, procedures, and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base appellate policy and program considerations, and recommends action with respect to problems encountered in Appellate operations. He supervises the activities of all Appellate branch offices in the region.

SEC. 1114.51 Appellate Branch Offices.

The basic settlement work of the Appellate Division is performed in branch offices of the Division which are headed by Chiefs who report to the Assistant Regional Commissioner (Appellate). Chiefs, Appellate Branch Office, may also supervise sub-offices administered by an Assistant Chief or local representative of the Chief. The branch offices hold conferences and make final determinations, within the limits of their delegated authority, on cases involving income, profits, estate, gift, and employment taxes and excise taxes, except those imposed on alcohol, wagering, narcotics, firearms and tobacco, in which taxpayers have requested Appellate consideration. The branch offices prepare reports to the Joint Committee on Internal Revenue Taxation in protested and petitioned cases which involve overpayments in excess of \$100,000, and also consider protested offers in compromise. Branch offices, under delegated authority, enter

into closing agreements under IRC 7121 in cases under their jurisdiction.

Sec. 1114.6 Assistant Regional Commissioner (Audit).

The Assistant Regional Commissioner (Audit) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the audit activities of the Service under the jurisdiction of the Regional Commissioner to ensure that policies and programs are properly executed, that audit work is processed in an orderly and timely manner, that equal emphasis is placed and uniform effort directed toward the accomplishment of the current audit program objectives, and that required standards for audit uniformity are being maintained. In conformity with audit policies, and programs established by the National Office, he develops regional programs, standards, and other measures necessary to implement most effectively the audit program of the Service which includes the selection of returns for audit, their examination and investigation, the determination of tax liabilities and penalties where applicable, a regional review of selected district office cases and the administrative disposition of offers in compromise by district Audit Divisions. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of the regional audit program and recommends improvements and adjustments in audit operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating audit operations.

Sec. 1114.7 Assistant Regional Commissioner (Accounts, Collection, and Taxpayer Service).

The Assistant Regional Commissioner (Accounts, Collection, and Taxpayer Service) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the returns processing (except wagering, alcohol and tobacco tax, firearms returns and applications), data processing, revenue accounting, collecting of delinquent accounts, securing delinquent returns, and taxpayer service activities under the jurisdiction of the Regional Commissioner to ensure that the policies and programs established by the National Office are timely and properly executed and that equal emphasis is placed and uniform effort directed toward the accomplishment of the accounts, collection and taxpayer service program objectives. He exercises line supervision over those activities at the Regional Office and functional supervi-

sion over related activities in the Service Center(s) and District Offices within the region. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of these programs and recommends improvements and adjustments needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner, he serves as the primary source of information to the National Office as to the effectiveness of the accounts, collection and taxpayer service policies, programs, procedures and standards in terms of factual information upon which the National Office can base accounts, collection and taxpayer service policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating these activities.

Sec. 1114.8 Assistant Regional Commissioner (Intelligence).

The Assistant Regional Commissioner (Intelligence) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the intelligence activities of the Service under the jurisdiction of the Regional Commissioner to ensure that policies and programs are properly executed, and that the intelligence work is processed in an orderly and timely manner. In conformity with intelligence policies, and programs, established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the intelligence program of the Service which includes the investigation of alleged tax fraud, certain other civil and alleged criminal violations of tax laws (except alcohol, tobacco and certain firearms tax cases), and such other special investigations as the Commissioner may direct. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional intelligence program and recommends improvements and adjustments in the intelligence operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of intelligence policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base intelligence policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating intelligence operations.

Sec. 1114.81 Management and Evaluation Staff.

Exercises primary responsibility for the adequacy of district program content and effectiveness of management of Service resources in each district; evaluates costs and benefits of achieving pro-

gram objectives; develops and maintains statistical indicators of management effectiveness; identifies required changes in program operations through program reviews in districts and assists in redirecting needed emphases in program goals and operations; assists districts in evaluation of personnel; conducts workload analyses to determine proper balance of staffing and other resource requirements; evaluates case selection and management methods together with quality control practices; analyzes effectiveness of publicity concerning intelligence matters; maintains mutually productive working relationships with members of the National Office, Service Center, and other offices regarding potential fraud situations; communicates information on all significant program and management developments; prepares narrative reports; and works on special projects and assignments.

Sec. 1114.82 Operations and Technical Assistance Staff.

Responsible for all general and special enforcement operational activities consisting of broad impact programs and objectives directed toward criminal violations of tax laws. Provides advice and assistance to district officials in the overall planning and execution of district Intelligence investigative programs, including determination of priorities and resource requirements; coordinates program operations with representatives of other IRS organizational segments and Department of Justice; evaluates and disseminates information and data to the districts, received from the National Office or other governmental agencies etc., relating to known or potential subjects of Intelligence enforcement efforts; identifies sensitive and significant situations; prepares reports on significant matters to be brought to the attention of the Regional Commissioner or National Office; coordinates special investigations, case development efforts and projects which involve two or more districts; assists districts in establishing and perfecting control practices and procedures with Service Centers and advising district officials regarding the application of data processing techniques to investigative problems. Provides technical guidance on case matters; conducts post review programs in each district; analyzes supplemental requests and Criminal Action Memorandums; identifies technical training needs and participates in development of training programs; conducts refresher training programs and participates in fraud training programs; coordinates case matters with Counsel and Department of Justice; prepares protests on CAM actions; provides technical advice on complex case matters; develops new procedures and investigative approaches; makes annual evaluations of case inventories; reviews cases closed for insufficient resources; identifies indicators of potential case management selection weaknesses critiques investigations in terms of case selection standards and investigative quality; assists districts in evaluating fraud referral

program effectiveness and improving quality of investigations and reports.

SEC. 1114.9 Assistant Regional Commissioner (Stabilization).

The Assistant Regional Commissioner (Stabilization) acts as principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the Stabilization activities under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for developing programs, standards and other measures necessary to implement most effectively the Stabilization Program of the Service which includes, but is not limited to, responding to inquiries from the public; disseminating information to the public; analyzing and issuing decisions upon application for exceptions and appeals; conducting investigations; resolving by obtaining compliance, where possible, complaints of violations of the Economic Stabilization Program, and recommending enforcement action when necessary; assuring proper allocation and utilization of manpower and resources; and maintaining adequate records and making periodic reports to the Assistant Commissioner (Stabilization).

SEC 1115 Office of Regional Inspector.

There are 7 Regional Inspectors, one in each internal revenue region. The Regional Inspector, who operates under the direct supervision of the Assistant Commissioner (Inspection), is responsible for the conduct throughout the region of both the internal audit and internal security programs.

SEC. 1115.1 Assistant Regional Inspector (Internal Audit).

Under the supervision of the Regional Inspector, the Assistant Regional Inspector (Internal Audit) is responsible for the conduct of the internal audit program throughout the region. The internal audit, which includes verification of financial transactions and analyses of operating practices and procedures, serves as the basis for informing appropriate officials of the manner in which operations are being carried out and responsibilities are being discharged as a basis for necessary changes in policies, practices and procedures.

SEC. 1115.2 Assistant Regional Inspector (Internal Security).

The Assistant Regional Inspector (Internal Security) is responsible for the conduct of the Internal Security program throughout the region. The program, which provides a factual basis for conclusions by management, the Department of Justice or other authority for making decisions, includes personnel background investigations, investigations of complaints and allegations of misconduct or irregularities concerning Service employees and actions of non-Service persons that may affect the integrity of the Service or safety of Service employees, including attempts to bribe or otherwise corrupt Service personnel; this authority includes investigation of at-

tempts to interfere with administration of Internal Revenue laws through threats, assaults or forcible interference and also the unauthorized disclosure of Federal tax information. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, and investigations of alleged discrimination because of race, creed, color, or national origin. In addition, he is responsible throughout the region for the conduct of special investigations as directed by higher authority, for the Office of the Secretary and other components of the Treasury Department.

SEC. 1116 Office of Regional Counsel.

(1) There are 7 Regional Counsels, one in each Internal Revenue region. The Regional Counsel, who operates under the Chief Counsel for the Internal Revenue Service, serves as the principal legal advisor to the Regional Commissioner, the Regional Inspector, and the District Directors of Internal Revenue and their staffs. The Regional Counsel, subject to the Chief Counsel's continuing general supervision and review where appropriate or necessary, directs and supervises a staff of attorneys engaged in processing and handling cases docketed in the United States Tax Court and in furnishing legal advice and performing legal services connected with the tax court, enforcement and general litigation functions.

(2) *Tax Court litigation matters.*—The Regional Counsel's office furnishes legal advice to the Assistant Regional Commissioner (Appellate); in the name of the Chief Counsel, represents the Commission in the trial of cases before the Tax Court and is responsible for the preparation of pleadings, stipulations, and other documents to be filed with the Tax Court on behalf of the Commissioner prior to the entry of a decision by the Court; makes recommendations to the Chief Counsel respecting adverse Tax Court decisions; considers and approves or disapproves the settlement of cases docketed in the Tax Court, subject to the concurrence of Appellate while such cases are in pre-session status; considers and concurs in, or disapproves, recommendations by Appellate to eliminate the ad valorem fraud penalties in cases not docketed in the Tax Court; and considers and reviews, prior to issuance, statutory notices of deficiency or liability proposed by Appellate, and certain of such notices proposed by the District Directors.

(3) *Enforcement matters.* The Regional Counsel's office is responsible for the performance of legal services in the field in connection with criminal cases arising under the internal revenue laws. The office reviews recommendations of prosecution in criminal cases received in the field, and prepares and refers such cases (other than alcohol and tobacco tax cases) to the Department of Justice or, where authorized by the Department of

Justice, directly to United States Attorneys, or, where prosecution is not deemed warranted, prepares criminal action memoranda setting forth the reasons against the prosecution and closes such cases with the concurrence of the Assistant Regional Commissioner (Intelligence). On request, the office furnishes aid and assistance to United States Attorneys in criminal tax proceedings in the United States District Courts and Courts of Appeal.

(4) *General litigation matters.* The Regional Counsel's office is responsible for handling legal work with respect to cases under the Bankruptcy Act and other insolvency cases including decedents' estate proceedings; Federal tax liens in suits for foreclosure by mortgagees or other lienholders and in suits to quiet title; applications filed for the discharge of property from Federal tax liens or for the release of such liens; for review and handling of certain offers in compromise; recommendations as to the taking of affirmative action, whether by way of a separate suit or intervention in pending proceedings (with the exception of alcohol, tobacco and firearms matters not relating to proceedings under the Bankruptcy Act, liens, receiverships and other insolvencies); the defense of injunction suits to restrain the assessment or collection of Federal taxes (except with respect to alcohol, tobacco and firearms matters); the assessment and collection of taxes; and of the civil enforcement of summonses.

(5) *Stabilization Matters.* The Assistant Regional Counsel (Stabilization) is responsible for providing interpretative advice and guidance concerning the rulings and regulations issued by the Pay Board and the Price Commission to the Office of Assistant Regional Commissioner (Stabilization) and answering specific legal questions concerning stabilization matters that may be presented. Also, provides functional support to Regional Counsel's Branch Offices that may be requested to furnish legal advice at the Service's District Director level. In addition, this Office is responsible for the review of litigation cases, involving violations of Pay Board's or Price Commission's regulations or rulings, that are developed at the District Director level by Service personnel and Department of Justice attorneys, and after such review forwarding the cases with appropriate recommendations through the Regional Counsel to the General Counsel of either the Pay Board, or Price Commission for possible litigation action by the Department of Justice, and at the same time reports of potential litigation will be forwarded to the Chief Counsel's National Office Stabilization Division.

SEC. 1117 Service Centers.

SEC. 1117.1 General.

(1) There are 10 Internal Revenue Service Centers located at: Andover, Massachusetts, Austin, Texas; Brookhaven, New York; Chamblee, Georgia; Covington, Kentucky; Fresno, California; Kansas City, Missouri; Memphis,

Tennessee; Ogden, Utah; and Philadelphia, Pennsylvania. Each Service Center is under the line supervision of the Regional Commissioner having jurisdiction over the area of their location.

(2) Each Service Center is headed by a Director who operates under the general direction of a Regional Commissioner. The Service Center Director is responsible to the National Office, through the Regional Commissioner, for implementing the programs assigned to the Center. He is responsible for budget, fiscal, and personnel operations of the Center under directives of the Regional Commissioner. He also participates with the National Office, through the Regional Commissioner, in planning, coordinating, and evaluating experimental projects to develop improved techniques and methods for processing tax returns. The Regional Commissioner, in turn, is responsible to the National Office for supervising the execution of the Service Center's program and for recommending adjustments to or modifications of the program. The Regional Commissioner also exercises general supervision over the activities of the Service Center Director in coordinating and maintaining liaison with Regional Commissioners, District Directors, and the National Office in carrying out the programs prescribed for the Centers by the National Office.

SEC. 1117.2 Service Center Organization.

SEC. 1117.21 General.

(1) The principal organizational components of the typical Service Center are the immediate office of the Service Center Director, Management Staff, Administration Division, Audit Division, Data Conversion and Accounting Division, Processing Division, and Taxpayer Service Division.

(2) The organizational structure depicted is intended to prescribe the Service Center organization through the branch level. Regional Commissioners are authorized to establish the Service Center organization below branch level as they see fit.

SEC. 1117.22 Office of the Director.

Within the structure of the Internal Revenue Service, the Internal Revenue Service Center has organizational status comparable to that of the District Offices. It operates under the line supervision of the Service Center Director, who is responsible to the Regional Commissioner in the same manner as a District Director. The Director plans, directs, and administers functions of the Internal Revenue Service Center which provides services for the region(s). Its functions are to process tax returns and related documents through the use of automatic and manual data processing systems and high-speed processing devices and to maintain accountability records for internal revenue taxes collected within the region. Typical programs include the processing, analysis, and accounting control of income tax returns, estimated tax returns, wages and excise tax returns, corporation tax returns, income infor-

mation documents, and mailing of income tax forms to individual taxpayers. The Director also plans, directs, and administers assigned Audit functions. Responsible for budget, fiscal and personnel operations of the Service Center. In addition, the Philadelphia Service Center assists the Assistant Commissioner (Compliance) in the exchange of authorized routine information with foreign countries having tax treaties with the United States.

SEC. 1117.221 Management Staff.

Provides staff assistance to the Director and line officials in the general management of Service Center operations. Assists by coordinating the preparation of work plans, work schedules, staffing and accession schedules. Monitors the Work Planning and Control System and maintains the daily production control system. As requested, provides assistance in analyzing day-to-day problems concerning systems and procedures. Monitors and coordinates various projects, particularly those in the implementation stage such as IDRS, RMF, and Returns Preparer Program. Coordinates the consolidation and referral of problems to the Regional or National Office. Monitors the Statistics of Income sampling and the Quality Review Program.

SEC. 1117.23 Intelligence Staff.

Advises the Service Center Director in matters relating to the Intelligence function; presents Intelligence objectives to Service Center personnel and assists in training them in characteristics of false and fraudulent returns and other potential criminal violations. Provides liaison between district and regional officials with the Service Center; devises procedures for the most expeditious manner of obtaining returns and transcripts for district officials and establishes guidelines and criteria for the selection of returns to be reviewed. Also provides assistance to district offices in locating addresses of taxpayers and/or witnesses. Evaluates informants' communications received by Service Center. Also advises district officials in the use of ADP facilities in their investigative processes.

SEC. 1117.24 Audit Division.

Administers the Audit activities centralized within service centers. These include: correspondence audit; classification of returns, claims and related documents; processing Audit/Appellate adjustments; technical and quality review; issuing claims disallowance notices, preliminary letters and statutory notices. Furnishes assistance and technical advice to other service center components, districts, regions and National Office. Provides assistance to taxpayers as requested.

SEC. 1117.241 Classification Branch.

Classifies and screen all types of Federal tax returns and claims for audit at district offices or service centers. Classifies various taxpayer initiated documents related to tax returns. Establishes and maintains a review system to ensure returns and claims with the greatest potential are selected for audit and to provide for the review of returns and claims au-

dated at the service center. Prepares, controls and processes information reports related to the classification of returns. Furnishes technical and procedural advice and assistance to other service center components, districts, regions and National Office. Provides assistance to taxpayers as requested. Conducts a quality review of service center responses to written taxpayer inquiries.

SEC. 1117.242 Correspondence Audit Branch.

Conducts the Centralized Audit examination and verification of tax returns and claims through correspondence with taxpayers to determine correct liabilities for taxes and penalties. These include the less complex issues that do not require district office examination. Conducts tests to determine the feasibility of additional correspondence work. Issues notices of claims disallowance, preliminary letters and statutory notices. Reviews taxpayer protests, determines disposition and when applicable, refers protested returns to district offices.

SEC. 1117.243 Audit Processing Branch.

Performs necessary processing of Audit/Appellate Documents such as receipt and control, code and edit and error resolution.

SEC. 1117.25 Offices of the Chief, All Operating Divisions.

Receives, analyzes, and evaluates all new programs and procedures; prepares supplemental or clarifying instructions as necessary; and ensures full implementation. Determines resources needed in the Division through the preparation of work plans and schedules, personnel staffing and accession schedules, space requirements, formulation of training needs, and other logistical processes. Participates with other Division Chiefs and the Director in the final allocation of resources to accomplish the total Service Center work program. Coordinates with other Division Chiefs on inter-divisional matters, as appropriate. Continuously reviews, analyzes, and evaluates the status of work programs with the aim of keeping the Director informed of operational problems on an exception basis. When appropriate, requests assistance from the Management Staff, or from the Office of the Assistant Regional Commissioner having functional responsibility.

SEC. 1117.26 Administration Division.

Directs and coordinates the personnel, facilities management, training, fiscal management, public information, and administrative management improvement programs. Serves as the principal administrative adviser to the Director, Assistant Director, and operating division chiefs. Provides functional leadership for the numerous and varied administrative programs designed to support and increase the effectiveness of Service Center operations. Executes the administrative management analysis program and coordinates the management improvement program for the Service Center. Conducts management studies

and provides staff assistance to Administration branch chiefs and operating officials as required. Prepares budget and financial plan estimates, maintains fiscal control, and recommends appropriate financial management actions. Develops and coordinates public information plans, techniques, guidelines, and informational materials. Establishes and maintains good relations with mass media in the vicinity of the Service Center; determines information needed, gathers and analyzes statistical and other data generated, and prepares information material for distribution to media outlets; and coordinates visit of media representatives, and others, from the entire region.

Sec. 1117.261 Facilities Management Branch.

Advises, informs, and assists Service Center management on operations relating to facilities management programs such as: space, property, communications, paperwork (including microfilm), records retention and disposal, distribution, emergency planning, safety, and security. Plans, develops, determines requirements, and evaluates these programs; provides additional, improved, or modified programs as required. Furnishes procurement, transportation, storage, supply, and messenger services; provides general building maintenance and maintenance of office, electronic, processing, and materials-handling equipment.

Sec. 1117.262 Personnel Branch.

Develops, executes and evaluates the Service Center personnel program and standards relating to recruitment, examination, and selection of employees, employee relations, union-management relationships, performance evaluation, promotions, in-Service placements, incentive awards, records, reports, and other aspects of a complete personnel program within the framework of policies, programs, and procedures established by the National and Regional Offices. Conducts the position classification program within delegated authority. Provides staff assistance to operating officials in all personnel areas.

Sec. 1117.263 Training Branch.

Provides leadership and coordination to the various Service Center training programs; promotes employee development programs and evaluates and reports on all such programs. Conducts studies and analyzes operating data to determine training needs; studies trends and developments in the employee development field and appraises new principles, concepts, methods, training devices, and materials for use in Service Center training programs. Develops or assists in the development of local and Service-wide course materials, audio-visual aids, and training devices. Assists Service Center management in developing a job environment which will enable trainees to maintain and improve their skills. At the request of the National or Regional Offices, provides data processing training for other than Service Center personnel. Prepares training program estimates for

developing the Operating Financial Plan; prepares obligating documents for charges to the training portion of the Operating Financial Plan.

Sec. 1117.27 Data Conversion and Accounting Division.

Converts data from source documents to form processable by computers. Operates computer and peripheral equipment used to verify tax liability and service the accounts of all taxpayers within the Districts assigned to the Center and to convert input data to magnetic tape. Maintains tape files of rejected documents for reinput to Service Center Processing. Prepares computer printouts relating to outputs received from the National Computer Center for mailing to taxpayers, for internal reports and statistics, and for tax information authorized for external use. Programs projects as assigned from the National Office and provides the necessary liaison and programming for maintenance of National Office computer programs. Maintains an accounting system to provide subsidiary records and general ledger accounts that reflect the Director's accountability for the Master File and Non-Master File tax revenue collected within Districts assigned to the Center. Records assessments, collections, receivables, refunds, overassessments, and other elements of revenue accounting affecting accountability. Receives, verifies, balances and processes accounting outputs from the National Computer Center; and prepares special and periodic accounting reports. Determines the validity of taxpayer delinquent accounts and returns notices. Prepares various reports for the Service Center, Region, and National Office.

Sec. 1117.271 Data Conversion Branch.

Transcribes, verifies and corrects pertinent information of all tax returns, information documents and related documents associated with other miscellaneous programs. Processes documents related to all files (IMF, BMF, RMF, NMF, etc.), subsequent activity programs, and documents which have been previously transcribed for which error conditions have been detected in subsequent processing. Responsible for resolving error conditions identified by the Computer Branch. Enters corrections for each error condition into machine-generated listings. Responsible for resolving and re-entering blocks out of balance or rejected blocks received from transcription control clerks.

Sec. 1117.272 Computer Branch.

Operates all computer systems used in processing, verifying, computing the tax liabilities, and servicing the accounts of all Master Files (IMF, BMF, RMF, NMF) taxpayers within Districts assigned to the Center, maintains tape library; processes tax information and documents for mailing to taxpayers and for internal use by the Service; generates computer reports; statistical information and other information for use by the National, Regional, District and Service Center offices, other program areas of the Service, and by various States. Processes other programs as-

signed by the National Office. Provides programming services as required for the maintenance of the system, as directed by the National Office. Performs quality review on computer generated output. Operates an EAM System for preconversion perfection of input data and processing of other Service Center card-oriented projects.

Sec. 1117.273 Accounting Branch.

Maintains general ledger accounts and subsidiary records covering revenue transactions for the recording of assessments, collections, receivables, refunds, over-assessments and other transactions affecting taxpayer's accounts. Controls accounting documents for entry to tax accounts. Establishes and maintains individual accounts for non-ADP (NMF) and pre-ADP tax returns and documents. Receives Master File accounting summaries for posted account transactions and accomplishes required journalization and general ledger postings. Initiates or processes account transfers, account adjustments, debit and credit transfers related to tax accounts. Reconciles National Computer Center accounting control records and refund appropriation accounts of Regional Disbursing Centers with general ledger balances. Prepares all accounting and ledger reports as required. Prepares various reports for the Service Center, Region, and National Office.

Sec. 1117.28 Processing Division.

Receives, blocks, sorts, and controls documents, both Master File and Non-Master File, received from taxpayers and District Offices; deposits and initiates accounting control of remittances. Ships processed documents to District Offices; and prepares a variety of forms, and other material for mailing to taxpayers, tax practitioners, District Offices, and other Government agencies. Examines, perfects, and codes returns and documents for all files (IMF, BMF, RMF, NMF, etc.) for subsequent processing; examines, edits, and codes returns for the Statistics of Income Program; prepares form and pattern paragraph letters to taxpayers requesting additional or clarifying information incidental to the initial processing of returns. Performs research, perfects and resolves processing errors detected during work cycles within the Service Center. Receives, processes and maintains control over applications for Employer Identification Numbers and Social Security Numbers.

Sec. 1117.281 Receipt and Control Branch.

Receives and categorically classifies all incoming returns, documents, remittances, and taxpayer correspondence. Sorts and establishes batch control prior to release of returns and documents into the initial work process, in accordance with work schedules. In coordination with the Management Staff, makes necessary adjustments in work schedules as dictated by actual work receipt patterns to maintain a steady balanced work flow. Numbers and blocks returns,

documents and related remittances; examines remittances and related documents, prepares appropriate registers and Certificates of Deposit prior to disposition of monies to local depository. Performs a variety of machine operations such as labeling, folding and inserting. Ships processed documents to District Offices; and prepares forms and other material for mailing to taxpayers, tax practitioners, District Offices and other Government Agencies.

Sec. 1117.282 Examination Branch.

Examines, edits, perfects and codes tax documents for all files (IMF, BMF, RMF, NMF, etc.) for transcription and other purposes: prepares form and pattern paragraph letter correspondence to District Offices and taxpayers to obtain missing or clarifying information necessary for the perfection of the return; and edits, codes, and extracts information from returns for audit and statistical programs.

Sec. 1117.283 Input Perfection Branch.

Perfects and resolves processing and taxpayer errors detected during work cycles within the Service Center. Prepares correspondence action sheets to obtain additional information from taxpayers and District Offices in order to make returns acceptable for processing. Responsible for control, examination, perfection and final disposition of all RMF rejected tax returns and documents. Perfects and resolves unpostable returns and documents. Resolves unpostable conditions arising from the attempt to input all documents and returns relating to the IMF, BMF, and RMF and prepares necessary input documents. Receives and processes applications for Employer Identification and Social Security Numbers. Maintains control over the assignment of Employer Identification Numbers. Performs all necessary actions concerning the control and maintenance of account numbers. Receives and processes applications from 941 filers to file magnetic tape returns; maintains case history file and control of 941, W2, 1099 and 1087 paper returns prior to approval of magnetic tape filing request.

Sec. 1117.29 Taxpayer Service Division.

Provides services to the taxpaying public by answering inquiries received by telephone, mail, or personal call. Controls, monitors, and takes necessary action on complaints and special cases requiring expedite action. Controls and makes adjustments to taxpayers' accounts on all files (IMF, BMF, RMF, NMF, etc.). Controls and processes statutory case adjustments. Performs microfilm research requested by all functional activities. Establishes, maintains and controls permanent and temporary returns files. Retires returns and documents in accordance with prescribed procedures. Performs output review and necessary correction. Performs payment tracing functions. Processing of all exempt organization returns has been centralized in the Philadelphia Service Center. In view of the scope and size of this

function, the Philadelphia Service Center has been authorized an Exempt Organization Returns Branch which is: Responsible for processing, except for deposit and transcription operations, all exempt organization tax returns and other related change documents.

Sec. 1117.291 Adjustment Branch.

Receives taxpayer inquiries initiated by correspondence. Receives and controls requests for adjustments and determines appropriate action to be taken including adjustment to tax, penalty, and interest, and to the entity section of taxpayer accounts. Prepares written replies to taxpayer on contacts by telephone. Processes IMF and BMF Restricted Interest cases, combination overassessment and deficiency cases, Joint Committee cases, Appellate Division Overassessment and Deficiency cases, Justice Department cases, cases containing second agreements and partial agreements. Processes applications for Tentative Carryback Adjustments. Performs payment tracing functions.

Sec. 1117.292 Research Branch.

Performs research through microfilm, source documents, and other sources for entity and account information requested by all functional activities. Establishes, maintains, and controls permanent and temporary returns files. Retires returns and documents in accordance with prescribed procedures. Performs delinquency checks for Non-Master File returns. Reviews computer output, except that pertaining to taxpayer delinquent accounts and returns, for quality and accuracy and for validity of refunds; corrects any processing errors discovered.

Sec. 1117.293 Taxpayer Relations Branch.

Performs taxpayer service functions in connection with telephone inquiries or personal calls. When necessary, prepares replies to taxpayer inquiries which accompany returns and which indicate that complex issues need to be resolved before the return can be processed. Takes necessary action to process special or unusual cases and complaints. Maintains close liaison with Social Security Administration on unusual problems. Prepares and types replies to taxpayer correspondence and requests for correspondence from other activities which generally require individually tailored letters.

Sec. 1118 Office of District Director.

Sec. 1118.1 Mission.

The mission of the Office of the District Director is to administer the internal revenue laws within an internal revenue district in conformance with Service policies and programs of the National Office and Regional Offices.

Sec. 1118.2 Basic Organization.

The principal organizational components of the typical District Office are the immediate office of the District Director (including the Stabilization Staff), the Audit Division, Collection and Taxpayer Service Division, Intelligence Division and Administration Division.

Sec. 1118.3 District Director.

The District Director administers, within an internal revenue district, the

collection, taxpayer service, audit, intelligence and administrative programs of the Internal Revenue Service. He is responsible for the determination of tax liability, the assessment of such liability, and scheduling and certification of refunds, and the investigation of certain criminal and civil violations of internal revenue tax laws (except those relating to alcohol, tobacco and firearms). He is also responsible for the collection and deposit of all internal revenue taxes.

Sec. 1118.4 Audit Division.

(1) Administers a district-wide audit program involving the selection and examination of all types of Federal tax returns (except those involving alcohol, tobacco, and firearms taxes), claims, offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), informants' claims for reward, and related activities, including the examination and approval of pension trust plans and the issuance of determination letters. The audit program involves the selective classification of returns for field and office audit, the conduct of district conferences in unagreed cases, participation with special agents of the Intelligence Division in the conduct of tax fraud investigations, and provision of technical support to the year-round taxpayer service program.

(2) Audit Divisions in the Atlanta, Chicago, Cincinnati, Dallas, Manhattan, Philadelphia and San Francisco districts on a region wide basis (Philadelphia reviews for the Office of International Operations), review all income and excess profits tax cases involving overpayments in excess of \$100,000 and prepare reports for the Commissioner's signature to the Joint Committee on Internal Revenue Taxation in all nonpetitioned and non-docketed cases, including estate and gift tax cases.

(3) All district Audit Divisions are responsible for issuing determination letters on the qualification of pension, annuity, profit-sharing, stock bonus and bond purchase plans and for subsequent determinations on the status for exemption of trusts forming a part of such plans. Audit Divisions in the districts of Atlanta, Austin, Baltimore, Boston, Chicago, Cincinnati, Cleveland, Dallas, Detroit, Los Angeles, Manhattan, Philadelphia, St. Louis, St. Paul, San Francisco and Seattle are responsible for matters relating to the exemption of all other organizations. These sixteen key District Offices will be responsible for issuing determination letters, examining exempt organizations activities, issuing notices of revocation and reestablishment of exemption, performing technical review and holding district conferences.

(4) The Division structure conforms to one of three established patterns, depending upon size of the District Office. These patterns all recognize six distinct groups of functions which are known as: Returns Classification, District Conference, Review, Field Audit, Office Audit, and Service. In small District Offices the branch supervisory structure does not

exist, while in large offices there may be more than one Field Audit Branch. Some district Audit Divisions in Central Region have a Technical Branch in lieu of a separate Conference Staff and Review Staff.

(5) Each region has centralized the review of the following specialized tax areas to specific districts:

- (a) Estate and Gift
- (b) Excise Taxes
- (c) Insurance
- (d) International Issues

SEC. 1118.41 Conference Staff.

Directs and performs the district conference function. This includes holding conferences with taxpayers and their representatives, and preparing conference reports. Also screens taxpayer protests and acts as technical advisor to Chief, Audit Division.

SEC. 1118.42 Review Staff.

Reviews reports of examination of all types of tax returns to verify the determination of liability made by the examining officer. Directs the issuance of preliminary 30-day letters to taxpayers, reviews protests filed in response to such notices and prepares statutory notices of deficiency. Prepares closing letters and releases in estate and gift tax cases. Furnishes technical advice and assistance on pension trust plans, including examination thereof and issuance of determination letters, in those districts with three or less pension trust specialists where the District Director has assigned such responsibility to this Staff. Is responsible for the control, management and review of offers in compromise, informants' claims for reward and the special procedures applicable in cases involving renegotiation. Prepares Management Information Reports for both agreed and unagreed cases. Has primary responsibility within the district for maintaining quality standards in examinations and reports, and the technical accuracy of all matters subject to review. Issues correction memorandums in all cases or matters involving substantial errors.

SEC. 1118.43 Returns Classifying Officer.

Develops and administers district program for selecting all types of returns for examination. Conducts special studies to identify noncompliance problem areas and recommends audit programs to cope with them.

SEC. 1118.44 Field Audit Branch.

Conducts field examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of taxpayers for tax and penalties, including the examination of claims for refund, credit or abatement, or for redemption of stamps. Also conducts field examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), and special field examinations, as requested, including joint examinations with special agents of Intelligence Division where tax evasion may exist. Processes informants' claims for reward making any necessary investigations and pre-

pare reports on such claims, together with recommendations as to the amount of rewards. Performs engineering and valuation work, prepares memorandums to accompany closing agreements, and recommends jeopardy assessments. Furnishes technical advice and assistance on pension trust plans and prepares determination letters except in those districts with less than three pension trust specialists where the District Director has assigned such responsibility to the Review Staff. Provides technical support to the year-round taxpayer service program.

SEC. 1118.45 Office Audit Branch.

Conducts examinations through correspondence or interviews with taxpayers in offices of the Service relative to all types of taxes (except alcohol, tobacco and firearms) to determine correct liability of taxpayers for tax and penalties, and the validity of claims for refund, credit, or abatement, or for redemption of stamps. Also, when necessary, conducts field examinations of all types of taxes (except alcohol, tobacco, and firearms) if such examinations do not require professional accounting skills of examiners assigned to Field Audit Branch. Recommends jeopardy assessments. Provides technical support to the year-round taxpayer service program.

SEC. 1118.46 Service Branch.

Performs clerical services for the Division necessary to the processing of returns, reports of examination, case files and correspondence. Maintains control of all returns and case files assigned to the Audit Division and of number assignments for Management Information Reports on audit cases. Types examining offices' reports, form letters, correspondence and other material as assigned and furnishes clerical, stenographic and typing assistance to all Division offices.

SEC. 1118.47 Technical Branch.

(1) The Technical Branch directs the issuance of preliminary 30-day letters to taxpayers, prepares letters to taxpayers covering deficiencies in bankruptcy and receivership cases which serve as a basis for assessment and filing of proof of claim by the Collection and Taxpayer Service Division; reviews protests filed in response to such notices of deficiency for proper form, compliance with existing requirements and for new issues or facts; and prepares statutory notices of deficiency.

(2) The Branch is responsible for the control, management and review of offers in compromise, informants' claims for reward, cases in which expiration of the statute of limitations is imminent and assessment, overassessment or statutory notice action is necessary prior to forwarding to the Assistant Regional Commissioner (Audit) for review, and the special procedures applicable in cases involving renegotiation. It maintains and controls the preliminary notice file, the statutory notice file, the file on cases suspended pending court or other decision (Form 1254), power of attorney file, fee statement file, and worthless stock and taxability of dividend file, taking appropriate action as required. The Branch

is responsible for the district conference functions, which include assignment of conferees to handle the case, the holding of the conference, the manner in which conferences are conducted, the quality of the conference reports and the statistical reporting of the conferences. The Chief of the Technical Branch acts as Technical Advisor to the Chief of the Audit Division on cases under investigation or assigned for district conferences.

SEC. 1118.5 Collection and Taxpayer Service Division.

(1) The Collection and Taxpayer Service Division is responsible for the receipt, processing and retention of firearms and alcohol and tobacco tax returns and applications; the receipt and transmittal of other tax returns and documents received in the district; the deposit to the credit of the Service Center Director of tax remittances received in the district; the collection of delinquent accounts through distraint, seizure, levy and other means; the securing of delinquent returns; the conduct of a year-round taxpayer service program (including issuance of certificates of compliance to departing aliens); examination of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Division receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, foreclosures and redemptions after civil foreclosure, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. The Division maintains files or control records of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to ensure that proper legal action may be timely taken.

(2) The organization of the Division below the branch level varies depending on the size of the Division.

SEC. 1118.51 Special Procedures Staff.

(1) The Special Procedures Staff is responsible for furnishing advisory assistance on technical delinquent collection and returns matters to the Chief, Collection and Taxpayer Service Division, Chief, Field Branch, Chief, Office Branch and Group Supervisors; providing liaison for the District Director with the Department of Justice, including the U.S. Attorneys, the Chief Counsel and Regional Counsel on all collection matters; ascertaining tax liability and filing of proof of claims in insolvency and decedent's estate proceedings; recommending civil suits to enforce collection or to protect the Government's interests; processing civil suits against the United States or

the District Director; examining, reviewing and processing seizure and sale reports; processing applications for discharge of property from the effect of Federal tax liens and for certificates of nonattachment of Federal tax liens and certificates of subordination of the Federal tax lien; processing filed notices of Federal tax liens and certificates of release; processing and maintaining executed collection waivers; analyzing and determining the sufficiency of various forms of collateral offered as security for release of lien or postponement of collection action; furnishing technical advice and assistance and recommendations for or against entry into suitable escrow agreements for the collection of delinquent accounts; reviewing recommendations for and holding conferences on 100% penalty and transferee assessments; post reviewing of accounts reported as uncollective; reviewing recommendations and holding conferences on offers in compromise cases based on inability to pay; and maintaining files and control records on all the above type cases to ensure that proper legal and other collection actions are taken timely.

(2) In the majority of District Offices this function is organized as a separate Special Procedures Staff. In small offices where the Special Procedures function is a one-position job, it is placed organizationally within the Office of the Division Chief.

Sec. 1118.52 *Office Branch.*

The Office Branch effects the collection of delinquent accounts and secures delinquent returns through demands made by correspondence, telephone or office interviews. It safeguards the Government's interest by causing the filing of notices of tax liens and serving or causing the service of notices of levies. It transfers to Revenue Officer groups those assignments which require field investigations or can be more efficiently completed by field Revenue Officers. The Branch carries out the Division's responsibility for district-wide execution of the year-round taxpayer service program. It provides taxpayer service within the Headquarters Office and surrounding metropolitan commuting area, including responses to correspondence requests of tax information, and provides functional supervision of taxpayer service at other posts of duty. The Branch screens and assigns cases and maintains assignment files. It prepares periodic reports of collection and taxpayer service activities. It receives and deposits to the credit of the Service Center Director remittances received in the District Office. It receives, processes and maintains files of wagering, alcohol and tobacco tax, firearms returns and applications. It also receives and transmits other returns and documents received in the District Office.

Sec. 1118.53 *Field Branch.*

The Field Branch is responsible for the management and control of five or more Revenue Officer groups (Type I Field Branch), or three or more Revenue Officer groups and an Office Group (Type

II Field Branch). Within the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the securing of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payment, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100% penalties. The Branch provides taxpayer service within the assigned area (except in the Headquarters Office location).

Sec. 1118.6 *Intelligence Division.*

The Intelligence Division enforces the criminal statutes applicable to income, estate, gift, employment, and excise tax laws (except those relating to alcohol, tobacco, narcotics and certain firearms), by developing information concerning alleged criminal violations thereof, evaluating allegations and indications of such violations to determine investigations to be undertaken, investigating suspected criminal violations of such laws, recommending prosecution when warranted, and measuring effectiveness of the investigation and prosecution processes. The Division assists other Intelligence offices in special inquiries, drives and compliance programs and in the normal enforcement programs, including those combating organized wagering, racketeering and other illegal activity, by providing investigative resources upon Regional or National Office request. It also assists U.S. Attorneys and Regional Counsel in the processing of Intelligence cases, including the preparation for and trial of cases.

Sec. 1118.61 *Branches A and B.*

In districts where a branch structure has been authorized for Intelligence Division, the branch functions are as follows: The Branch conducts investigations of criminal tax violations, except those relating to alcohol, tobacco, narcotics, and certain firearms tax cases. The Branch coordinates actions with the Office of the United States Attorney and with other Divisions in the District Office. The Branch assists the United States Attorney and the Chief Counsel in the trial of cases. The Branch evaluates allegations of tax law violations and ini-

tiates surveys, examinations and investigation to identify cases which may have prosecution potential. The Branch makes appropriate recommendations as to the disposition of matters coming to the attention of the Intelligence Division and as to the disposition of cases investigated. The Branch assists in the planning, organizing, coordinating and directing the local adoption of intelligence policies, programs and procedures of Regional and National Offices. The Branch keeps informed on investigations to ensure uniformity of actions, adherence to established policies and compliance with procedures; to ensure that evidence is adequate and sufficient and that the action taken is sound and proper; and to ensure that high standards of performance are maintained.

Sec. 1118.7 *Administration Division.*

(1) The Administration Division provides the personnel, training, budget, and fiscal, procurement and supply, records and communications services and other administrative services, within the limitations of the District Director's delegated authority, necessary to the effective operation and management of the District Office. It coordinates the District Office cost reduction and management improvement, Reports Management and Incentive Awards Programs and other special projects.

(2) The organization of the Administration Division varies according to the size of the district, its managerial staffing, and other local conditions, as follows:

(a) The Division is headed by a Chief in districts above 1,000 employees and in those with no Assistant District Director.

(b) In districts below 1,000 employees with an Assistant District Director, the District Director and the Regional Commissioner may decide whether to have a Chief, a Staff Assistant, or neither.

(c) The typical branch structure in districts above 1,000 employees is Facilities Management; Personnel; and Training. Districts below 1,000 employees are also structured into these branches if the District Director and Regional Commissioner decide they are necessary. However, in small districts (normally those below 400 employees) with a Chief, Administration, the branch structure is not authorized in the absence of compelling circumstances. (See also Administration Staffing Guides Handbook, IRM 1132.)

(3) For districts with a branch structure, the following functional descriptions refer to branches. For other districts, the functional descriptions indicate functions performed by staff personnel.

Sec. 1118.71 *Facilities Management Branch.*

The Facilities Management Branch provides essential facilities and services necessary to the efficient operation of the District Office. The Branch carries out the space programs of the District Director and conducts periodic surveys to ensure effective space utilization. It procures, requisitions, issues, and ensures

effective utilization of equipment, property and office supplies; maintains records on all equipment and property located within the district; and provides communications, duplicating paperwork management, and internal management document distribution services. The Branch also furnishes data necessary for the preparation of that portion of the District Office budget estimates and financial plans which is concerned with funds required for materials and facilities in the district. As required for district management control, it maintains blotter type records of fund commitments for materials and facilities (Object classes 22, 23, 24, 25, 26 and 31 as defined in Bureau of the Budget Circular A-12). It administers document and property security, emergency planning for civil defense, and the safety programs in the district.

SEC. 1118.72 Personnel Branch.

The Personnel Branch furnishes professional advice to district officials responsible for manpower planning and management, to insure effective utilization of human resources in the accomplishment of the district mission. It plans and provides a comprehensive program of staff support, services, and technical advice for district personnel management activities. This includes program areas of recruitment, selection, placement, performance evaluation, promotion, management career programs, manpower utilization, position classification and position management, discipline, grievances, awards, employee benefits, and union relations. The branch serves as the primary point of contact in the day-to-day relationship between recognized labor organizations and district top management and advises managers on aspects of union relations bearing on their responsibilities. It performs necessary support activities of personnel action processing, records maintenance, and personnel reporting. In all programs, it emphasizes the fulfillment of Equal Employment Opportunity Program objectives, special emphasis and other personnel program priorities, and conformance to policies, regulations, and standards set by higher authority.

SEC. 1118.73 Training Branch.

The Training Branch provides leadership and coordination to the district training and taxpayer education programs. It assists district management in identifying training needs and developing local training programs, including the district organizational development program. The Branch coordinates the district execution of training programs and administers the selection and scheduling of employees for training conducted outside the district. It monitors and assists management in conducting OJT programs, and in identifying, developing, and utilizing instructors and OJT coaches. It assists in implementing the Management Careers Program. It manages the taxpayer education program by identifying taxpayer education needs, and developing and administering the program to meet these needs. It provides

information and resources to employees regarding self-development opportunities. In addition, it evaluates and reports on all district training and taxpayer education programs.

SEC. 1118.8 Stabilization Division.

(1) Directs and administers the District Economic Stabilization Program involving planning, organizing, coordinating, and evaluating District Stabilization activities which include: responding to inquiries from the public; disseminating information to the public; analyzing and issuing decisions upon application for exceptions and appeals; conducting investigations; resolving complaints of violations by obtaining compliance, where possible, and recommending enforcement action when necessary.

(2) Program management of District Stabilization activities is accomplished through twenty-nine Key Districts which are responsible for technical and managerial guidance to and which exercise functional supervision for Stabilization work performed in the related Associate Districts. The Key District/Associate District relationship is:

Key districts	Associate districts
Boston-----	Augusta.
	Burlington.
	Portsmouth.
Brooklyn-----	None.
Buffalo-----	Albany.
Hartford-----	Providence.
Manhattan-----	None.
Baltimore-----	Do.
Richmond-----	Do.
Newark-----	Do.
Philadelphia-----	Wilmington.
Pittsburgh-----	None.
Atlanta-----	Birmingham.
Jacksonville-----	None.
Greensboro-----	Columbia.
Nashville-----	Jackson.
Cincinnati-----	Louisville.
Indianapolis-----	None.
Cleveland-----	Parkersburg.
Detroit-----	None.
Chicago-----	Do.
St. Louis-----	Springfield.
Des Moines-----	Omaha.
St. Paul-----	Aberdeen.
	Fargo.
Milwaukee-----	None.
Austin-----	New Orleans.
Dallas-----	Albuquerque.
Oklahoma City-----	Cheyenne.
	Denver.
	Little Rock.
	Wichita.
Los Angeles-----	Honolulu.
	Phoenix.
San Francisco-----	Reno.
	Salt Lake City.
Seattle-----	Anchorage.
	Boise.
	Helena.
	Portland.

(3) The Division structure conforms to one of three established organizational patterns which are:

(a) two branches: the Compliance and Enforcement Branch and the Technical Services Branch;

(b) a Compliance and Enforcement Branch and a Technical Staff; or

(c) no branch structure—the organization is directly under the Division Chief.

(4) The particular organizational pattern authorized depends upon: the size

of the Key District Office and any related Associate Districts over which functional supervision is exercised; the geographic area encompassed; and the volume and complexity of the workload of the Key District and any related Associate Districts.

(5) In Districts where a two-branch structure has been authorized for the Stabilization Division, the branches will be the Compliance and Enforcement Branch, as defined in 1118.81 below; and the Technical and Services Branch, as defined in 1118.82 below. In Districts where one branch and a staff group have been authorized for the Stabilization Division, the organization structure will be a Compliance and Enforcement Branch, as defined in 1118.81 below; and a Technical Staff which will perform these duties under the Technical and Services Branch in 1118.82 below, without the Branch supervisory structure. In the small Key Districts and all Associate Districts, the functional description of branches in 1118.81 and 1118.82 below, are performed by staff personnel. Associate Districts may use the organizational title of "Stabilization Officer" for the person who will be the primary representative of the District for Stabilization matters.

SEC. 1118.81 Compliance and Enforcement Branch.

This branch is responsible for matters involving compliance and enforcement activities under the Economic Stabilization regulations. This branch has operational responsibility for local investigative and industry monitoring programs, and reports on National Office directed pay or price fact-finding investigations and surveys, local enforcement activities as authorized and directed by the National Office and other special projects deemed appropriate by the Regional and/or National Office.

SEC. 1118.82 Technical and Services Branch.

This branch has operational responsibility for providing technical and general information to the public; analyzing and issuing decisions upon applications for exceptions and appeals; furnishing interpretive support to other organizational components of Key and Associate Districts; assuring program uniformity; operating and maintaining the Stabilization reporting and information system; and other special projects deemed appropriate by the Regional and/or National Office.

SEC. 1118.9 Offices Below the District Headquarters.

(1) Offices below the district headquarters (Area, Zone, and Local offices as defined below) perform one or more of certain Collection, Taxpayer Service, Audit, and Intelligence functions such as: the collection of delinquent accounts and the securing of delinquent returns; the receiving and deposit of monies tendered in payment of taxes; conducting taxpayer service and related assistance activities to meet local taxpayer needs; the examination of returns to determine correct liability of taxpayers for

tax and penalties; the holding of conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties; and the investigation of alleged criminal violation of the tax statutes. They also contain, to a limited extent, other functions such as administrative support.

(2) Offices below the district headquarters are classified according to these types:

(a) *Area office.* An Area office is a major subdivision of the District Office and usually contains all of its principal functional elements including one or more groups of Revenue Agents, one or more groups of Revenue Officers, an Office Group, and a Teller. Generally, it also contains one or more Special Agents.

(b) *Zone office.* A Zone office is an intermediate size office which includes one or more groups of Revenue Agents or one or more groups of Revenue Officers. Generally, it also contains one or more Special Agents. Usually it does not have a Teller and if it has Office Group personnel, they are supervised from some other office.

(c) *Local office.* All other offices below the district headquarters are classified as Local offices. Primarily, these are small posts of duty where the workload does not warrant the stationing of Revenue Agents and Revenue Officers in group strength.

(3) Program planning and functional supervision for personnel of an Area, Zone, or Local office are the responsibilities of the appropriate divisions of the District Office. However, administrative supervision of such an office may be assigned to an individual upon a determination by the District Director that such a position is needed in order to represent all IRS functions to the public, to coordinate functions, and to provide common administrative services. This position is to be assigned as an additional responsibility to one of the regular functional personnel of the office, usually the ranking or senior officer. Each person assigned this additional responsibility will be designated as the "(inserting name of city) representative" of the District Director.

(4) Generally, offices below the district headquarters do not contain Branch Chiefs in any of the functional activities. However, if the workload of an office (including nearby offices supervised by such office) is sufficient to justify five or more Audit groups, the District Director may determine that the needs for local supervision warrant the stationing of an Audit Branch Chief in the office. Similarly, if the workload justifies five or more Revenue Officer groups (counting less than ten Office Branch employees as the equivalent of a group; or ten or more Office Branch personnel as two groups), the District Director may establish a Field Branch Chief. Recommendations for establishing such positions shall be forwarded to the Regional Commissioner for approval in accordance with regular procedures for effecting changes in organization.

(5) When the personnel of an office below the district headquarters are supervised by Group Managers or Branch Chiefs, all of the functions in such offices will generally receive line supervision from the same city in order to foster functional coordination and efficient utilization of clerical and other manpower. However, when the District Director finds that the best interests of the Service require a different arrangement, he is authorized to make an exception. Exceptions may be particularly needed for those activities, such as Intelligence, which are more thinly represented than the Audit and Collection and Taxpayer Service functions; and for specialists, such as those trained in estate, gift, and excise tax work.

APPENDIX A

INTERNAL REVENUE REGIONAL OFFICES

San Francisco, CA, ZIP 94102, 870 Market Street.
 Atlanta, GA, ZIP 30303, Federal Office Building, 275 Peachtree Street, NE.
 Chicago, IL, ZIP 60601, 35 East Wacker Drive.
 New York, NY, ZIP 10007, Federal Office Building, 90 Church Street.
 Cincinnati, OH, ZIP 45203, Federal Office Building, 550 Main Street.
 Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza.
 Dallas, TX, ZIP 75202, Federal Office Building, 1114 Commerce Street.

APPENDIX B

APPELLATE BRANCH OFFICES

Birmingham, AL, ZIP 35203, 2121 Eighth Avenue N.
 Phoenix, AZ, ZIP 85004, 222 North Central Avenue.
 Los Angeles, CA, ZIP 90012, 300 North Los Angeles Street.
 San Francisco, CA, ZIP 94108, 447 Sutter Street, Room 301.
 Denver, CO, ZIP 80202, 20th Floor, Prudential Building, 1050 17th Street.
 New Haven, CT, ZIP 06511, 110 Washington Avenue, 4th Floor, North Haven.
 Washington, DC, ZIP 20009, 432 Universal Building North, 1875 Connecticut Avenue, NW.
 Jacksonville, FL, ZIP 32202, Federal Office Building, 400 West Bay Street.
 Miami, FL, ZIP 33130, Federal Office Building, 51 Southwest First Avenue.
 Atlanta, GA, ZIP 30303, 275 Peachtree Street NE.
 Chicago, IL, ZIP 60601, 35 East Wacker Drive.
 Indianapolis, IN, ZIP 46206, 510 Guaranty Building, 20 North Meridian Street.
 Wichita, KS, ZIP 67202, 418 South Main Street (Suboffice, Oklahoma City Branch Office.)
 Louisville, KY, ZIP 40202, 267 Federal Building, 600 Federal Place.
 New Orleans, LA, ZIP 70130, 444 Federal Office Building, 600 South Street.
 Baltimore, MD, ZIP 21201, Room 934, Federal Building, 31 Hopkins Plaza.
 Boston, MA, ZIP 02203, John F. Kennedy Federal Building, Government Center.
 Detroit, MI, ZIP 48226, 600 Griswold Bldg.
 St. Paul, MN, ZIP 55101, 500 Federal Building and U.S. Courthouse, 316 North Robert Street.
 Kansas City, MO, ZIP 64106, 1700 Federal Office Building, 911 Walnut Street. (Suboffice, St. Louis Branch Office.)
 St. Louis, MO, ZIP 63101, 1114 Market Street, Room 919.
 Omaha, NE, ZIP 68102, 3132 New Federal Building, 215 North 17th Street.

Newark, NJ, ZIP 07102, Room 701 Federal Building, 970 Broad Street.
 Buffalo, NY, ZIP 14202, 300 U.S. Courthouse, 68 Court Street.
 New York, NY, ZIP 10007, 90 Church Street.
 Greensboro, NC, ZIP 27401, 320 Federal Place, Room 525.
 Cincinnati, OH, ZIP 45201, Post Office Box 2026.
 Cleveland, OH, ZIP 44199, 1653 Federal Office Building, 1240 East Ninth Street.
 Oklahoma City, OK, ZIP 73102, 200 Northwest Fourth Street.
 Portland, OR, ZIP 97201, 1500 Southwest First Avenue.
 Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza, Room 927.
 Pittsburgh, PA, ZIP 15222, Room 1428 Federal Building, 1000 Liberty Avenue.
 Nashville, TN, ZIP 37203, 801 Broadway, Room 654.
 Dallas, TX, ZIP 75202, 1100 Commerce Street, Room 12B25.
 Houston, TX, ZIP 77002, 8031 Federal Building, 515 Rusk Avenue.
 Salt Lake City, UT, ZIP 84111, 125 South State Street, Room 3438.
 Richmond, VA, ZIP 23240, 400 North Eighth Street, Room 11028.
 Seattle, WA, ZIP 98121, Sixth and Lenora Building, Room 1112.
 Huntington, WV, ZIP 25701, Ninth Street and Fifth Avenue (Suboffice, Cincinnati Branch Office).
 Milwaukee, WI, ZIP 53233, 735 West Wisconsin Avenue, Room 700.

APPENDIX C

INTERNAL REVENUE SERVICE CENTERS

Fresno, CA, ZIP 93730, 5045 East Butler Avenue.
 Chamblee, GA, ZIP 30005, 4800 Buford Highway.
 Covington, KY, ZIP 41012, 200 West Fourth Street.
 Andover, MA, ZIP 01812, 310 Lowell Street.
 Kansas City, MO, ZIP 64170, Federal Building, 2306 East Bannister Road.
 Holtsville, NY, ZIP 11799, 1040 Waverly Avenue.
 Philadelphia, PA, ZIP 19154, 11601 Roosevelt Boulevard.
 Memphis, TN, ZIP 38110, 3131 Democrat Road.
 Austin, TX, ZIP 78740, 3651 South Inter-Regional Highway.
 Ogdon, UT, ZIP 84405, 1160 West 1200 South Street.

APPENDIX D

INTERNAL REVENUE DISTRICT OFFICES

Birmingham, AL, ZIP 35203, 2121 Building, 2121 Eighth Avenue North.
 Anchorage, AK, ZIP 99501, Alaska Mutual Savings Building, Fifth and F Streets.
 Phoenix, AZ, ZIP 85025, Federal Building, U.S. Courthouse, 230 North First Avenue.
 Little Rock, AR, ZIP 72201, Federal Office Building, 700 West Capitol Avenue.
 Los Angeles, CA, ZIP 90012, Federal Building, 300 North Los Angeles Street.
 San Francisco, CA, ZIP 94102, Federal Building and Courthouse, 450 Golden Gate Avenue.
 Denver, CO, ZIP 80202, Prudential Tower Building, 1050 17th Street.
 Hartford, CT, ZIP 06103, Federal Building, U.S. Courthouse, 450 Main Street.
 Wilmington, DE, ZIP 19801, Federal Building, Courthouse and Custom House, 844 King Street.
 Jacksonville, FL, ZIP 32202, Federal Building, 400 West Bay Street.
 Atlanta, GA, ZIP 30303, Federal Building, 275 Peachtree Street NE.
 Honolulu, HI, ZIP 96813, U.S. Post Office, Court & Custom House and Federal Building, 335 Merchant Street.

Boise, ID, ZIP 83702, Federal Building and U.S. Courthouse, 550 West Fort Street.
 Chicago, IL, ZIP 60602, State-Madison Building, 17 North Dearborn Street.
 Springfield, IL, ZIP 62704, Land of Lincoln Building, 325 West Adams Street.
 Indianapolis, IN, ZIP 46204, Federal Building and Courthouse, 46 East Ohio Street.
 Des Moines, IA, ZIP 50309, Federal Building, 210 Walnut Street.
 Wichita, KS, ZIP 67202, Federal Office Building, 412-418 South Main.
 Louisville, KY, ZIP 40202, Post Office, Courthouse, and Custom House, 601 West Broadway.
 New Orleans, LA, ZIP 70130, Federal Office Building, 600 South Street.
 Augusta, ME, ZIP 04330, Federal Office Building, 68 Sewall Street.
 Baltimore, MD, ZIP 21201, Federal Building, 31 Hopkins Plaza.
 Boston, MA, ZIP 02203, John Fitzgerald Kennedy Federal Building.
 Detroit, MI, ZIP 48226, Cadillac Tower Building, 65 Cadillac Square.
 St. Paul, MN, ZIP 55101, Federal Building and Courthouse, 316 North Robert Street.
 Jackson, MS, ZIP 39202, 301 Building, 301 North Lamar Street.
 St. Louis, MO, ZIP 63101, U.S. Court and Custom House, 1114 Market Street.
 Helena, MT, ZIP 59601, Federal Office Building, U.S. Post Office and Court House, West Sixth Street and Park Avenue.
 Omaha, NE, ZIP 68102, Federal Office Building, 106 South 15th Street.
 Reno, NV, ZIP 89502, Federal Building, U.S. Courthouse, 300 Booth Street.
 Portsmouth, NH, ZIP 03810, Federal Building, U.S. Post Office, 80 Daniel Street.
 Newark, NJ, ZIP 07102, Federal Building, 970 Broad Street.
 Albuquerque, NM, ZIP 87101, Federal Office Building, 517 Gold Avenue SW.
 Albany, NY, ZIP 12206, 855 Central Avenue.
 Brooklyn, NY, ZIP 11201, U.S. Courthouse and Federal Building, 35 Tillary Street.
 Buffalo, NY, ZIP 14202, Federal Office Building, 111 West Huron Street.
 New York, NY, ZIP 10007, Federal Office Building, 120 Church Street.
 Greensboro, NC, ZIP 27401, Federal Building, 320 Federal Place.
 Fargo, ND, ZIP 58102, Federal Building and Post Office, 653 Second Avenue, North.
 Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street.
 Cleveland, OH, ZIP 44199, Federal Building, 1240 East Ninth Street.
 Oklahoma City, OK, ZIP 73102, Federal Office Building and Courthouse, 200 N.W. Fourth Street.
 Portland, OR, ZIP 97204, Multnomah Building, 319 S.W. Pine Street.
 Philadelphia, PA, ZIP 19106, William J. Green Federal Building, 600 Arch Street.
 Pittsburgh, PA, ZIP 15222, Federal Building, 1000 Liberty Avenue.
 Providence, RI, ZIP 02903, 130 Broadway.
 Columbia, SC, ZIP 29201, Federal Building, 901 Sumter Street.
 Aberdeen, SD, ZIP 57401, Executive Building, 640 Ninth Avenue, S.W.
 Nashville, TN, ZIP 37203, Federal Building, Eighth Avenue and Broadway.
 Austin, TX, ZIP 78701, Federal Office Building, 300 East Eighth Street.
 Dallas, TX, ZIP 75202, Federal Office Building and Courthouse, 1100 Commerce Street.
 Salt Lake City, UT, ZIP 84110, U.S. Post Office and Courthouse, 350 South Main Street.
 Burlington, VT, ZIP 05401, Federal Building, 11 Elmwood Avenue.
 Richmond, VA, ZIP 23240, Federal Building, 400 North Eighth Street.
 Seattle, WA, ZIP 98121, Sixth and Lenora Building, 2033 Sixth Avenue.

Parkersburg, WV, ZIP 26101, Federal Office Building, Juliana and Fifth Streets.
 Milwaukee, WI, ZIP 53202, Federal Building and Courthouse, 517 East Wisconsin Avenue.
 Cheyenne, WY, ZIP 82001, Federal Office Building, 21st and Carey Streets.

APPENDIX E

REGIONAL INSPECTORS' OFFICES

Cincinnati, OH, ZIP 45202, 8514 Federal Office Building, 550 Main Street.
 Philadelphia, PA, ZIP 19106, Federal Building, 600 Arch Street, Room 4228.
 Chicago, IL, ZIP 60601, 35 East Wacker Drive, Suite 646.
 New York, NY, ZIP 10007, 26 Federal Plaza, 14th Floor.
 Atlanta, GA, ZIP 30303, 221 Courtland Street N.E., 4th Floor.
 Dallas, TX, ZIP 75202, U.S. Courthouse and Federal Office Building, 1100 Commerce Street, Room 3A5.
 San Francisco, CA, ZIP 94111, 160 Pine Street, Suite 500.

APPENDIX F

REGIONAL COUNSEL OFFICES

Birmingham, AL, ZIP 35203, Room 1624, 2121 Eighth Avenue, North.
 Phoenix, AZ, ZIP 85004, Suite 1214, Security Center Building, 222 North Central Avenue.
 Los Angeles, CA, ZIP 90053, 2018 Federal Building, 300 North Los Angeles Street.
 San Francisco, CA, ZIP 94108, Room 628, 447 Sutter Street.
 Denver, CO, ZIP 80202, 20th Floor, 1050 17th Street.
 Jacksonville, FL, ZIP 32202, Box 35027, Federal Building, 400 West Bay Street.
 Miami, FL, ZIP 33130, Room 1502, Federal Office Building, 51 Southwest First Avenue.
 Atlanta, GA, ZIP 30301, Federal Office Building, 275 Peachtree Street, N.E.
 Chicago, IL, ZIP 60601, Room 1622, 35 East Wacker Drive.
 Indianapolis, IN, ZIP 46204, 632 Illinois Building, 17 West Market Street.
 Louisville, KY, ZIP 40201, 579 Federal Office Building.
 New Orleans, LA, ZIP 70130, Room 845, Federal Office Building, 600 South Street.
 Boston, MA, ZIP 02203, John Fitzgerald Kennedy Building, Government Center.
 Detroit, MI, ZIP 48226, 2300 Cadillac Tower Building.
 St. Paul, MN, ZIP 55101, Room 572, Federal Building and U.S. Courthouse, 140 East Fourth Street.
 Kansas City, MO, ZIP 64106, 2700 Federal Office Building, 911 Walnut Street.
 St. Louis, MO, ZIP 63101, 935 U.S. Court and Custom House, 1114 Market Street.
 Omaha, NE, ZIP 68101, Room 3101, U.S. Post Office and Court House, 215 North 17th Street.
 Newark, N.J., ZIP 07102, Ninth Floor, 970 Broad Street.
 Buffalo, NY, ZIP 14202, 304 U.S. Courthouse, Niagara Square.
 New York, NY, ZIP 10007, 26 Federal Plaza, 12th Floor.
 Greensboro, NC, ZIP 27420, Room 509, 320 Federal Place.
 Cincinnati, OH, ZIP 45202, 7504 Federal Office Building, 550 Main Street.
 Cleveland, OH, ZIP 44114, 1620 Williamson Building, 215 Euclid Avenue.
 Oklahoma City, OK, ZIP 73101, Courthouse and Federal Office Building, 220 Northwest 4th Street.
 Portland, OR, ZIP 97201, 810 Crown Plaza, 1500 Southwest First Avenue.
 Philadelphia, PA, ZIP 19102, Room 464, 2 Penn Center Plaza.

Pittsburgh, PA, ZIP 15230, Room 726, Federal Building.
 Nashville, TN, ZIP 37202, 703 U.S. Courthouse Building, 801 Broadway.
 Dallas, TX, ZIP 75202, Room 12D27, Federal Office Building, 1100 Commerce Street.
 Houston, TX, ZIP 77002, 515 Rusk Avenue, Room 8102.
 Salt Lake City, UT, ZIP 84111, 3438 Federal Building, 125 South State Street.
 Richmond, VA, ZIP 23240, 2018 Federal Building, 8th and Marshall Streets.
 Washington, DC, ZIP 20009, Room 422, Universal Building, North, 1875 Connecticut Avenue, N.W.
 Milwaukee, WI, ZIP 53233, Sixth Floor, Continental Plaza, 735 West Wisconsin Avenue.
 Seattle, WA, ZIP 98121, 1101 Sixth and Lenora Building.
 Baltimore, MD, ZIP 21201, Room 1117, Federal Building, 31 Hopkins Plaza.

[FR Doc.74-7341 Filed 3-28-74;8:45 am]

Office of the Secretary

[Dept. Circular, Public Debt Series—No. 4-74, Supp.]

8 PERCENT TREASURY NOTES OF SERIES H-1976

Notice of Interest Rate

MARCH 27, 1974.

Pursuant to the provision in section I of Department Circular—Public Debt Series—No. 4-74, dated March 21, 1974, the Secretary of the Treasury announced on March 27, 1974, that the interest rate on the notes described in the circular will be 8 percent per annum. Accordingly, the notes are hereby redesignated 8 percent Treasury Notes of Series H-1976. Interest on the notes will be payable at the rate of 8 percent per annum.

[SEAL]

JOHN K. CARLOCK,

Fiscal Assistant Secretary.

[FR Doc.74-7392 Filed 3-27-74;1:52 pm]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ACADEMY BOARD OF VISITORS

Notice of Meeting

MARCH 25, 1974.

The Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, during the period April 24-28, 1974.

The purpose of this meeting is to fulfill the requirements of 10 U.S.C. 9355d for the Board to meet at the Academy at least once annually to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic matters, and other matters relating to the Academy which the Board decides to consider.

Portions of this meeting will be open for public attendance on April 25, 1974, from 9:45 a.m. until 11:45 a.m., and from 3 p.m. until 4:15 p.m., in the Academy Superintendent's Conference Room, Harmon Hall.

Among the topics on the tentative agenda during the open portion of the meeting are: the Academic Program,

Cadet Honor System, Academy Fiscal Data, and the Air Force Academy Education Center.

The remainder of the meeting will pertain to internal Academy policies, procedures, and personnel matters and will be held in closed session.

If additional information is desired, contact HQ USAF (DPPA), Washington, D.C. 20330, telephone number 202-692-4635.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-7244 Filed 3-28-74;8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES AND WORKING GROUPS THEREOF

Notice of Meetings

The Department of Defense Advisory Group on Electron Devices and various working groups thereof, will meet in closed sessions at 201 Varick Street, New York, New York, on dates indicated below:

- a. Advisory Group on Electron Devices, April 11, 1974.
- b. Working Group on Passive Devices, April 30, 1974.

The purpose of the DoD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

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

MARCH 26, 1974.

[FR Doc.74-7252 Filed 3-28-74;8:45 am]

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Rules Governing Public Participation

On March 13, 1974 notice was given in the FEDERAL REGISTER (39 FR 9702) of an open meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) to be held April 21-25, 1974 in Washington, D.C. Pursuant to section 10(a) (3) of Pub. L. 92-463, the

following rules will govern the participation by members of the public attending the meeting:

(1) Since the Pentagon is closed to the general public, persons desiring to attend the session on April 22, 1974, in the Pentagon must notify the DACOWITS Secretariat (202) OXford 5-5153, by April 17, 1974, so that proper escorts to and from the meeting room can be arranged.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Lieutenant Colonel Martha A. Cox, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301, by April 5, 1974.

(4) Length and number of oral presentations to be made will depend on the number of requests received. Maximum time permitted per presentation will be twenty (20) minutes.

(5) Oral presentations will be permitted only from 3:30 p.m. to 5:00 p.m. on April 22, 1974, in the Pentagon before the full committee.

(6) Each person desiring to make an oral presentation must provide the DACOWITS Secretariat with a copy of the presentation by April 15, 1974, to assist in the scheduling of speakers.

(7) Persons submitting a written statement for consideration by the Committee at the meeting must provide a minimum of forty (40) copies of such statement to the DACOWITS Secretariat by April 15, 1974, in order to provide each Committee member with a copy of the statement.

(8) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within ten (10) days after the close of the meeting.

(9) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions.

(10) Members of the public will not be permitted to orally question the speakers or members of the Committee during any session, but may submit written questions to the DACOWITS Chairman at the time she designates for this purpose. If time permits after members of the Committee have asked questions and/or made comments, the Chairman will present the written questions from members of the public to the speaker for response.

(11) Questions from members of the public will not be accepted during the new member orientation, the subcommittee sessions, the executive committee sessions or the final general session.

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

MARCH 25, 1974.

[FR Doc.74-7254 Filed 3-28-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-3]

ALEXANDER ROBBINS

Notice of Hearing

Notice is hereby given that on February 5, 1974, the Drug Enforcement Administration, Department of Justice, issued to Alexander Robbins, M.D., Miami Beach, Florida, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AR0148406 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order was received by Dr. Robbins, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on April 8, 1974, in Room 208, Federal Office Building, 51 SW. First Avenue, Miami, Florida.

Dated: March 25, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-7274 Filed 3-28-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

PUBLIC MEETING

Notice of Change of Date

Notice is hereby given of a change in the scheduled date of a public information meeting on Bonneville Power Administration's Fiscal Year 1975 Draft Environmental Statement.

Notification of the public meeting previously scheduled for Tuesday, April 2, 1974, at 7:30 p.m. appeared in the FEDERAL REGISTER on Friday, February 8, 1974 (39 FR 4934). This meeting has been postponed and as announced in the FEDERAL REGISTER on Thursday, March 21, 1974 (39 FR 10633), will be held instead on Tuesday, April 23, 1974. As previously arranged, the meeting is still to be conducted at the Islander Lopez Motel, Lopez Island, Washington, at 7:30 p.m.

Dated: March 27, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-7381 Filed 3-28-74;8:45 am]

Fish and Wildlife Service

GRIZZLY BEAR

Notice of Review of Status

On February 14, 1974, the Department of the Interior received a petition from the Fund for Animals of Washington, D.C. seeking, inter alia, a Departmental review of the status of the grizzly bear (*Ursus arctos horribilis*) for the purposes of determining whether that species should be listed, pursuant to section 4 of the Endangered Species Act of 1973, as

an endangered or threatened species within the lower 48 States of the United States.

As required by section 4(c)(2) of the Act, notice is hereby given of the Department's determination that substantial evidence has been presented by the petition to warrant a review of the status of the grizzly bear to determine whether the grizzly bear should be proposed for listing as either an endangered or threatened species. The Department is seeking the views of the Governors of the States of Montana, Wyoming, Idaho, Washington, and Colorado, on the issues presented by the petition, and has requested a report and recommendation of the National Academy of Sciences.

All other interested parties are hereby invited to submit any factual information which is germane to this review of the status of the grizzly bear within the lower 48 States of the United States. Such information should be sent to: Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. These views and recommendations together with the evidence presented and available to the Secretary and that provided with the petition of the Fund for Animals, will be reviewed to determine whether sufficient evidence is available to support the action requested by the petition.

LYNN A. GREENWALT,
*Director, Bureau of
Sport Fisheries and Wildlife.*

MARCH 26, 1974.

[FR Doc.74-7298 Filed 3-28-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
A. V. TISCHER AND SON, INC.
Iowa Grain Inspection Point

Notice is hereby given pursuant to section 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that the A. V. Tischer and Son, which is designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Ft. Dodge, Iowa, has changed its name to A. V. Tischer and Son, Inc. The change in name does not involve a change in management or ownership.

Done in Washington, D.C. on March 26, 1974.

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

[FR Doc.74-7339 Filed 3-28-74;8:45 am]

Cooperative State Research Service
COMMITTEE OF NINE
Notice of Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 a.m. on April 17

and 8:30 a.m. on April 18, 1974, in room 509-A of the Administration Building, U.S. Department of Agriculture.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States and to prepare recommendations for allocation of research funds. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated: March 18, 1974.

T. S. RONNINGEN,
Acting Administrator, Cooperative State Research Service.

[FR Doc.74-7340 Filed 3-28-74;8:45 am]

Forest Service
DESCHUTES NATIONAL FOREST
MULTIPLE USE ADVISORY COMMITTEE
Notice of Meeting

The Deschutes National Forest Advisory Council will meet at 6:30 p.m. on April 11, 1974, at the Copper Room, 125 Oregon Avenue. Dinner will be at 7:00 p.m. at Original Joe's, 1033 Bond, Bend, Oregon, with the program to follow at 8:00 p.m.

The subject of this meeting is Solid Waste Disposal and Water Pollution Abatement Program for the Deschutes National Forest. This will be presented by Forest Engineer, Beryl Johnston.

The meeting will be open to the public.

EARL E. NICHOLS,
Forest Supervisor.

MARCH 21, 1974.

[FR Doc.74-7263 Filed 3-28-74;8:45 am]

BIGHORN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE
Notice of Meeting

The Bighorn National Forest Multiple Use Advisory Committee will meet at 9:00 a.m., May 22, 1974, at the Buffalo District Ranger's Office in Buffalo, Wyoming for their spring field trip. The purpose of this meeting is to discuss the Forest Interim Multiple Use Plan and view the cleanup and accomplishments of the Privy Timber Sale since last fall.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 2046, Sheridan, Wyoming 82801 or call (307) 672-2457. Written statements may be filed with the committee before or after the meeting.

The committee has not established rules for public participation. Public members may speak up at any time.

ANTHONY K. QUINKERT,
Forest Supervisor.

MARCH 22, 1974.

[FR Doc.74-7242 Filed 3-28-74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Organization Order 25-5A; Amdt. 4]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Delegation of Authority

This order, effective March 13, 1974, further amends the material appearing at 37 FR 12245 of June 21, 1972; 37 FR 26745 of December 15, 1972; 38 FR 5277 of February 27, 1973; and 39 FR 6752 of February 22, 1974. National Oceanic and Atmospheric Administration.

Department Organization Order 25-5A, dated May 19, 1972, is hereby further amended as follows:

Sec. 3. *Delegation of Authority.* The following new subparagraph is added under paragraph .01.

z. The functions prescribed by Pub. L. 92-532, the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052).

Effective date: March 13, 1974.

FREDERICK B. DENT,
Secretary of Commerce.

[FR Doc.74-7289 Filed 3-28-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Internal Analgesic including Anti-rheumatic Drugs.	April 10 and 11, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 10, 9 a.m. to 10 a.m., closed April 10 after 10 a.m., closed April 11. Lee Gelsmar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug

products containing internal analgesic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drugs under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Cardiovascular and Renal Advisory Committee.	April 19, 8:30 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 8:30 a.m. to 9:30 a.m., closed after 9:30 a.m. John B. MacGregor, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4731.

Purpose. Advises the Commissioner of Food and Drugs regarding the safety efficacy of drugs employed in cardiovascular and renal disorders:

Agenda. Open session: Finalization of prescription labeling for Digoxin and discussion of patient package insert for digitalis. Closed session: Discussion of safety and efficacy of diphenyl in treatment of cardiac arrhythmias.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Antiperspirant Drug Products.	April 25 and 26, 9 a.m., Room 12B-45, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 25, 9 a.m. to 10 a.m., closed April 25 after 10 a.m. closed April 26. Lee Gelsmar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing antiperspirant drug products, and adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of the safety and efficacy of antiperspirant drug products.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on

these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provide for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period

for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 25, 1974.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FR Doc.74-7278 Filed 3-28-74;8:45 am]

Office of the Secretary
ASSISTANT SECRETARY FOR HUMAN
DEVELOPMENT

Statement of Organization, Functions, and
Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority is amended to include these changes: (1) Amendment to Chapter 1R (38 FR 17260-1, 6/29/73). This chapter is revised to include information on the newly-established Office for the Handicapped which replaces the Office of Mental Retardation Coordination, and on the Office of Native American Programs.

(2) Addition of a new Subchapter 1R55, Office for the Handicapped. This new subchapter describes in detail the mission, organization, and functions of the Office for the Handicapped. (3) Addition of a new Subchapter 1R60001, President's Committee on Mental Retardation. This new subchapter describes in detail the mission, organization, and functions of the President's Committee on Mental Retardation.

1R00. Mission. Serves as the principal staff adviser to the Secretary and the Under Secretary on matters dealing with special populations served by the Department, including the aging, children, youth, Native Americans, the mentally retarded, the handicapped, and those living in rural areas; recommends to the Secretary action for improving coordination and government-wide effectiveness in these areas; provides responsive and effective programs for groups of people and ensures that other Department programs also recognize and serve the needs of these people; directs, coordinates, and manages Human Development programs, ordering priorities within the Office of Human Development, approving strategies and ensuring that lines of communication to the Secretary, other HEW operating programs, and interest groups are open and responsive. Provides information for departmental policy-making.

1R10. Organization. The Office of the Assistant Secretary for Human Development, headed by the Assistant Secretary for Human Development who reports directly to the Secretary, consists of:

A. Immediate Office of the Assistant Secretary for Human Development.

B. Office of Administration and Management.

C. Office for the Handicapped.

D. President's Committee on Mental Retardation.

E. President's Council on Physical Fitness and Sports.

F. Office of Child Development.

G. Office of Youth Development.

H. Administration on Aging.

I. Office of Rural Development.

J. Office of Native American Programs.

1R20. Functions. Detailed functions of certain organizational elements of the Office of the Assistant Secretary for Human Development will be described in separate subchapters.

Functions. A. Immediate Office of the Assistant Secretary. Provides executive direction, leadership and guidance to all regional offices and ASHD components for the operation of Human Development programs. Determines the need for and approval of policy, basic systems, including handicapped program systems, and procedures, organization, program, budget plans, and Delegations of Authority which guide Human Development operations.

Directs planning development and coordinates all planning activities for ASHD, including OPS and long range planning. Tracks and reports progress on planning activities for the Assistant Secretary.

Functions. B. Office of Administration and Management. The Office of Administration and Management provides executive administrative management to ASHD offices; develops and recommends to the ASHD policy, systems, procedures, plans, organizational changes and management improvements; implements approved strategies throughout the various ASHD offices; focal point for budget activities of ASHD offices including budget development, justification, execution development of policies and procedures, and liaison with AS Comptroller for ASHD and its offices; liaison with appropriate OS offices for expenditure controls and responsible for expenditure controls within ASHD; develops, coordinates, and implements grants policy in conjunction with appropriate HEW policy and procedures; responsible for ASHD grants administration, including developing procedures and requirements for processing and review; recommends approval of certain grant actions; liaison with appropriate HEW contracting offices; responsible for provision of administrative and technical support for contracts, provides staff support to ASHD offices on all management issues.

The Office of Administration and Management is responsible for Management Analysis including: management studies of the ASHD organization, manpower utilization, methods analysis, cost reduction, and establishing standards; provides technical and staff assistance to ASHD; and provides unified Data Systems Management for ASHD organizations. The office serves as a focal point for studies and initiatives for ASHD organizations; responsible for administrative management functions, including personnel functions in conjunction with the Office of The Secretary Personnel Office, centralized support services, procurement, space allocation of ASHD office, processing travel requests and claims and other general administrative duties.

Functions. C. The Office for the Handicapped. Serves as the focal point for coordination and evaluation of Department-wide policies, programs, procedures, and activities related to the handicapped and mentally retarded; serves in an advisory capacity to the Secretary in regard to issues related to the administration of the Department's handicapped and mental retardation programs. Detailed description of the functions of the Office appear in Subchapter 1R55.

Functions. D. The President's Committee on Mental Retardation. Provides service and assistance in the areas of mental retardation as the President may require; evaluates the national effort to combat mental retardation and assists in the coordination of Federal, State, local, and private program review and planning activities in the mental retardation field; assists in the formulation of new program initiatives.

Functions. E. President's Council on Physical Fitness and Sports. The function of the President's Council on Physical Fitness and Sports is to carry out

responsibilities stated in Executive Order 11562; these functions include establishing a program of Physical Fitness and Sports, advising the President and Secretary on Physical Fitness and Sports, coordinating the conference on Physical Fitness and Sports, and other duties as outlined in Executive Order 11562.

Functions. F. Office of Child Development. The function of the Office of Child Development is to advise the Secretary through the Assistant Secretary for Human Development and HEW agencies on Department plans and programs related to child development; to operate the Head Start and other related child service programs; and to provide leadership, advice, and services which affect the general well-being of children as mandated by the Act of April 9, 1912. Detailed functions of the Child Development will follow in Chapter 1R40.

Functions. G. Office of Youth Development. The function of the Office of Youth Development is to provide leadership in the planning, development, and coordination of those Federal programs that provide services to youth in danger of becoming delinquent. The Office coordinates its activities with other concerned Federal organizations to assure a unified approach to common target groups and to afford comprehensive services to the individual.

Within the authorities delegated to it, the Office of Youth Development administers, under the Juvenile Delinquency Prevention Act, Pub. L. 92-381, Federal grants and contracts designed to help State and local communities in providing community based preventive services including diagnosis and treatment, to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in fields related to the provision of such services, and to provide technical assistance in such field. A detailed description will follow in Subchapter 1R20.

Functions. H. Administration on Aging. The Administration on Aging (AoA) is the Federal focal point for the needs, concerns, and interest of older persons and the principal agency for carrying out the programs of the Older Americans Act. It coordinates its activities with public and private organizations at the national, State, and local level to assure that the elderly are adequately considered in the planning and implementation of the programs of their organizations, and to promote the development of comprehensive and coordinated service systems to serve the elderly.

It develops program goals and objectives in terms of 5 year forward plans and current operational plans; conducts a research, development, and demonstration program to add to the basic knowledge about older persons' special capabilities and problems, and to develop and test new techniques designed to deal with the needs and problems of the elderly; assesses manpower requirements in the field of aging, makes reports and recommendations on meeting the manpower

needs, and designs and develops strategies for implementing the recommendations.

It analyzes the progress and problems of the programs of other agencies in serving the elderly; develops initiatives for improvements or innovations in these programs to better serve older persons; promotes coordination of the programs of the various agencies which affect the elderly.

It serves as a clearinghouse on information related to the problems of older persons and programs designed to deal with those problems; convenes conferences of public and private organizations concerned with the development and operation of programs for the elderly; analyzes and comments on budget and legislative proposals, program regulations, and program plans and initiatives from other agencies which would have impact on the elderly.

It administers a Federal-State-local grant program (Title III of the Older Americans Act) which provides support for: (a) State Agencies on Aging, which perform functions at the State level similar to those of the Administration on Aging at the Federal level; (b) Area Agencies on Aging, which provide leadership to public and private non-profit providers of services in their area in the development and implementation of a plan leading towards comprehensive and coordinated services for the elderly, and provide selective funding support to agencies to stimulate implementation of the plan; and (c) local community projects in areas not served by an Area Agency on Aging to provide needed services which are not furnished by other agencies.

It administers a grant program for training and research (Title IV of the Older Americans Act) which provides support for: A broad range of training responsive to the changing needs of programs in the field of aging; appraising personnel needs in the field of aging; attracting qualified persons to the field of aging; the study of current patterns of living conditions of older persons; developing and demonstrating approaches and methods for improving coordination of community services; evaluating these approaches; and grants for multidisciplinary centers of gerontology.

It administers a grant program (Title V of the Older Americans Act) for the acquisition, alteration or renovation of multipurpose senior centers including the provision of mortgage insurance for multipurpose senior centers, and initial staffing of such centers.

It develops regulations, policies and procedures for the Title III, IV, V and VII programs; provides technical assistance to the State agencies in program development and operation; and monitors progress.

It evaluates the administration of program operations in terms of progress toward goals and achievements of objectives; uses the results of evaluations to review plans and improve programs.

A detailed description will follow in Subchapter 1R10.

Functions. 1. Office of Rural Development. The Office of Rural Development is concerned with the delivery of HEW services to non-metropolitan areas in concert with revenue sharing.

The Director of the Office reports to the Assistant Secretary for Human Development.

The Office will identify barriers to the delivery of services; design and recommend human services delivery systems in rural areas, coordinate efforts with other Federal agencies to select target areas for delivery of human services, and represent the Department in interdepartmental task forces concerned with rural development.

Functions. J. Office of Native American Programs (ONAP). The Office of Native American Programs is concerned with the social and economic well-being and progress of American Indians and Alaskan Natives. The Office has primary responsibility for developing national policies and legislative proposals and for providing leadership activities designed to assist American Indians and Alaskan Natives. The Office administers a Federal grants program to eligible Indian tribes and groups and provides liaison with other Federal agencies on Indian affairs. It explores new program concepts and new methods for increasing Indian self-determination, fosters opportunities for the exercise of Indian leadership and the operation of Indian businesses, and encourages increased involvement of the private sector in economic development programs on reservations. A detailed description of the functions of the Office appears in Subchapter 1R91.

1R30. Delegations of Authority. Except as provided in section 1A-30 of the DHEW Organization Manual and in this section, the Assistant Secretary for Human Development has been delegated the following functions by the Secretary:

1. The functions vested in the Secretary by the Older Americans Act of 1965, (42 U.S.C. 3001 et seq.).

2. The functions vested in the Secretary by the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

3. The authority under section 222 (a) (1) of the Economic Opportunity Act of 1964, delegated by the Director of the Office of Economic Opportunity to the Secretary (42 U.S.C. 2809 et seq.).

4. Such functions with respect to research, demonstration and training projects under section 426 of the Social Security Act to the extent of the funds appropriated to the Office of Child Development for this purpose.

OFFICE OF HUMAN DEVELOPMENT
OFFICE FOR THE HANDICAPPED; STATEMENT
OF ORGANIZATION AND FUNCTIONS

A new Subchapter 1R55 Office for the Handicapped reads as follows:

1R55.00 Mission. The Office for the Handicapped (OFH) implements the provisions of section 405 of the Rehabilitation Act of 1973, by providing a focal

point within the Office of Human Development (OHD) for review, coordination, information and planning related to policies, programs, procedures and activities within HEW and other Federal agencies relevant to the physically and mentally handicapped.

1R55.10 Organization. The Office for the Handicapped is under the direction of the Director, OFH, who reports directly to the Assistant Secretary for Human Development. The Office includes a staff of specialists who are responsible for planning and evaluating programs, coordination, and the dissemination of information related to problems affecting the handicapped.

1R55.20 Functions. The Office for the Handicapped carries out its mission through the following functions:

1. Serves as the focal point in the Department for the consideration of issues and policies affecting the handicapped.

2. Prepares a long-range plan that includes projection for the provision of comprehensive services to handicapped individuals, and for programs of research, evaluation, and training related to such services and individuals.

3. Analyzes on a continuing basis: program operations to determine consistency with applicable provisions of law; progress towards meeting the goals and priorities set forth in the long-range plan; and the effectiveness of all programs providing services to all handicapped individuals. Seeks the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary.

4. Encourages coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs.

5. Develops means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education, health, employment, rehabilitation, architectural, housing, and transportation barriers, and other areas so as to bring about full integration of all handicapped individuals into all aspects of society.

6. Provides a central clearinghouse for information and resource availability for handicapped individuals. This includes evaluation of information and data systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal government, public and private agencies and organizations of other sources.

OFFICE OF ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

STATEMENT OF ORGANIZATION AND FUNCTIONS

Part 1 of the Statement of Organization and Functions for the Department of Health, Education, and Welfare, Office of the Secretary, Assistant Secretary for Human Development is amended to add a new Subchapter 1R60001 which reads as follows:

1R60001.00 *Mission.* The President's Committee on Mental Retardation (PCMR), located in the Office of Human Development, DHEW, is responsible for advising and assisting the President on all matters pertaining to mental retardation.

The Committee, through the Assistant Secretary for Human Development, evaluates national, State and local mental retardation efforts, helps to coordinate relevant Federal activities, and facilitates communication between Federal, State and local agencies. In addition, the Committee informs the public about mental retardation and mobilizes support for related activities.

The Committee was established by Executive Order 11280 on May 11, 1966.

1R60001.10 *Organization.* The Committee consists of the Secretary of HEW, the Secretary of Labor, the Director of the Office of Economic Opportunity, and not more than twenty-one other members who shall be appointed by the President from public or private life. Staff support for the Committee is provided by an Executive Director and staff. The Executive Director reports to the Assistant Secretary for Human Development.

1R60001.20 *Functions.* A. The President's Committee on Mental Retardation shall provide such advice and assistance in the area of mental retardation as the President may from time to time request, including assistance with respect to:

- (1) Evaluation of the national effort to combat mental retardation;
- (2) Coordination of activities of Federal agencies in the mental retardation field;
- (3) Provision of adequate liaison between such Federal activities and related activities of State and local governments, foundations, and other private organizations; and
- (4) Development of such information, designed for dissemination to the general public, as will tend to reduce the incidence of mental retardation and ameliorate its effects.

B. The Committee shall make such reports or recommendations to the President concerning mental retardation as he may require or the Committee may deem appropriate. Such reports shall be made at least annually.

Dated: March 15, 1974.

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

[FR Doc. 74-7333 Filed 3-28-74; 8:45 am]

SOCIAL SECURITY ADMINISTRATION Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions and Delegations of Authority for the central office of the Bureau of Hearings and Appeals (BHA) in the Social Security Administration (Part 4 of the Statement of Organization, Functions and Delegations of Authority for the De-

partment of Health, Education, and Welfare), is hereby revised to reflect the establishment of the new position of Chief Administrative Law Judge in the Office of the Bureau Director, with responsibility for providing leadership to the nationwide corps of Administrative Law Judges and SSI Hearing Examiners within the Social Security Administration (SSA); to reflect the abolishment of the Office of the Assistant Bureau Director, Division of Field Operations; to reflect the establishment of the new position of Assistant Bureau Director, Division of Policy and Procedures, with responsibility for the review, development and implementation of policies and procedures pertaining to the hearings and appeals process in SSA; to reflect a change in the title of the Director, Division of Administration to Assistant Bureau Director, Division of Administration, and to update the functional statement for that office; to reflect the establishment of the new position of Assistant Bureau Director, Division of Appeals Operations, with responsibility for providing the Bureau's Appeals Council with analytical staff support; to reflect the establishment of the new position of Chief of the Appraisal Staff, with responsibility for conducting a program to assure a continuous appraisal of Bureau-wide efforts in meeting the Bureau's basic mission; and to reflect the functions assigned to components of BHA's central office. This material reads as follows:

MISSION

The Bureau of Hearings and Appeals (BHA) directs and administers the hearings and appeals process for the Social Security Administration (SSA). It directs a nationwide field hearings organization staffed with Administrative Law Judges and SSI Hearing Examiners who conduct impartial hearings and make decisions on appealed determinations involving retirement, survivors, disability, health insurance, black lung and supplemental security income benefits. It performs regional and central reviews of appealed Administrative Law Judge and SSI Hearing Examiner decisions and renders the Secretary's final decision on such cases.

ORGANIZATION

The central office of BHA, under the supervision of a Bureau Director, consists of:

1. The Bureau Director
 2. The Immediate Office of the Bureau Director
 3. Functional components within BHA
- The Bureau Director.* A. The Director of BHA is directly responsible to the Commissioner of Social Security and provides general supervision to each component in BHA.

B. In the event of the absence or disability of the Bureau Director, or in the event of a vacancy in this position, the Deputy Bureau Director acts for him.

C. In the event of the absence or disability of both the Bureau Director and the Deputy Bureau Director, or in the

event of vacancies in both positions, a designated BHA executive acts for them.

Immediate Office of the Bureau Director. The Immediate Office of the Bureau Director consists of:

1. The Director of BHA
2. The Deputy Director of BHA
3. The Chief Administrative Law Judge

Functional Components Within BHA. The Bureau consists of the following functional components:

1. Appeals Council
2. Medical Advisory Staff
3. Office of the Assistant Bureau Director, Division of Policy and Procedures
4. Office of the Assistant Bureau Director, Division of Administration
5. Office of the Assistant Bureau Director, Division of Appeals Operations
6. Appraisal Staff

FUNCTIONS

The central office of BHA is responsible for:

1. Planning, directing, coordinating, administering and appraising the nationwide SSA hearings and appeals process.
2. Reviewing appeals filed in Federal courts on appealed actions or decisions, and recommending whether to defend or to request remand for further action.
3. Providing medical and vocational specialist services to Administrative Law Judges, SSI Hearing Examiners and Appeals Council members.
4. Developing substantive and administrative operating instructions to assure uniform and fair appellate review.
5. Conducting liaison with other components of SSA, DHEW, and other governmental, professional and private organizations.

Immediate Office of the Bureau Director. A. The Director of BHA:

1. Is responsible to the Commissioner of Social Security for providing overall executive leadership in implementing a fair and impartial hearings and appeals process within SSA.
2. Plans and directs the overall management of BHA to assure that the Bureau's mission is efficiently and effectively accomplished.

B. The Deputy Director of BHA assists the Bureau Director in carrying out his responsibilities, performs such duties as he requires and acts in his behalf when he is absent.

C. The Chief Administrative Law Judge:

1. Provides professional leadership to the nationwide corps of Administrative Law Judges and SSI Hearing Examiners.
2. Serves as the focal point of communication between the Office of the Bureau Director and Administrative Law Judges and SSI Hearing Examiners.
3. Directs a small professional staff engaged in maintaining close contact with the field hearings organization to obtain and assess the views of Administrative Law Judges and SSI Hearing Examiners on hearings operations.

Functional Components Within BHA. The functional components within BHA, and their responsibilities are as follows:

1. The Appeals Council, which is responsible for:

a. Reviewing decisions of Administrative Law Judges and SSI Hearing Examiners involving retirement, survivors disability, health insurance and supplemental security income benefits under the provisions of titles II, XVI and XVIII of the Social Security Act, as amended, and disability and survivors benefits under Part B of title IV and related provisions of the Federal Coal Mine Health and Safety Act on its own motion.

b. Examining case records, obtaining additional evidence and rendering written decisions or orders which are the Secretary's final decisions or orders, or remanding cases to Administrative Law Judges and SSI Hearing Examiners.

c. Determining and recommending action in relation to decisions appealed to the courts.

d. Obtaining additional evidence and preparing supplemental decisions on remanded cases, and recommending whether appeals should be taken to higher courts on judicial reversals of the Secretary's decisions.

2. The Medical Advisory Staff which is responsible for:

a. Providing medical advisory services to the Appeals Council and other BHA components in the evaluation of disability, health insurance and supplemental security income cases under the provisions of titles II, XVI, and XVIII of the Social Security Act, as amended, and disability and survivors cases under Part B of title IV and related provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended.

b. Assisting in medical training of Bureau staff.

c. Negotiating for the services of medical specialists to serve as special consultants to the Appeals Council, and as advisors to Administrative Law Judges, SSI Hearing Examiners, Regional Appeals Panels and Regional Chief Administrative Law Judges.

d. Providing guidance in the effective utilization of medical advisors throughout BHA.

e. Participating in the formulation of medical policies used in the evaluation of disability, health insurance, supplemental security income and black lung benefits cases.

f. Maintaining liaison with medical groups to promote program understanding, and to keep abreast of disability evaluation developments and changes in health insurance regulations.

3. The Office of the Assistant Bureau Director, Division of Policy and Procedures, which is responsible for:

a. Planning, analyzing and developing Bureau-wide policy and procedural guidelines pertaining to the hearing process as performed in regional development centers and hearing offices.

b. Planning, analyzing and developing policy and procedural guidelines pertaining to Appeals Council/Regional Appeals Panel review processes and civil actions processes, and the Appeals Council/Regional Appeals Panel support staffs.

c. Providing an effective system for communicating hearings and appeals policies and procedures, through the issuance of manuals and directives that assure consistent and efficient operations in the best interest of service to the public; and developing and maintaining substantive publications, informational material, references and forms relative to the hearings and appeals process.

d. Reviewing current and developing trends in administrative law, analyzing policy recommendations, and developing long-range and short-range hearings and appeals policy plans.

e. Providing advice and guidance throughout BHA on matters involving program policies and procedures.

f. Coordinating policy and procedural matters within BHA, and with other SSA components, the Office of the General Counsel, other DHEW components, other Federal agencies and, where appropriate, with private organizations.

4. The Office of the Assistant Bureau Director, Division of Administration, which is responsible for:

a. Planning, developing and administering BHA's personnel management program, including: recruitment and placement, position classification, incentive awards, employee services, and employee-management relations.

b. Planning, developing, coordinating and conducting BHA employee development and training programs.

c. Planning and directing BHA administrative support activities, such as: space, forms and records, property management, procurement and supply, safety, equipment control and maintenance, preparation of visual aids, and mail/messenger services.

d. Planning and directing BHA's management analysis program, which includes the design, development, implementation, and appraisal of management policies and programs; and researching management techniques and technological developments having possible utility for BHA.

e. Directing BHA's operational and management information systems planning programs; assuring effective coordination of the BHA management information system with the SSA system; and maintaining a case control and statistical reporting system on the adjudication process.

f. Planning, developing and coordinating BHA's financial management program; and providing financial guidance and control in the areas of budget formulation and execution, work measurement and workload forecasting, pay and travel, position control, contract services, and fiscal operations.

g. Controlling and preparing replies to correspondence; developing standards and procedures for correspondence; receiving records and indexes; and maintaining claims and hearings materials.

5. The Office of the Assistant Bureau Director, Division of Appeals Operations which is responsible for:

a. Providing advice and assistance to the Appeals Council on the adjudication of cases.

b. Reviewing Administrative Law Judge and SSI Hearing Examiner decisions to assist the Appeals Council in deciding whether to assume jurisdiction.

c. Analyzing cases and recommending action to the Appeals Council on appealed claims and litigated cases, and preparing necessary documents to implement the action decided upon by the Appeals Council.

d. Identifying and analyzing problem areas and recommending improvements in the appeals process.

e. Reviewing and analyzing fee petitions from attorneys and representatives of claimants for the provision of services at the hearing level, and authorizing payments of appropriate fees, in all cases where fees recommended by Administrative Law Judges and SSI Hearing Examiners exceed their delegated authority, and in all cases at the Appeals Council level.

f. Providing BHA-wide leadership and guidance on all matters pertaining to psychological, vocational, educational and related factors having a bearing on claimants' capacity to work.

6. The Appraisal Staff, which is responsible for:

a. Performing a continuing appraisal on the progress being achieved throughout BHA in meeting basic objectives.

b. Conducting a BHA-wide program of appraisals and studies necessary for maintaining an ongoing assessment of overall BHA performance.

c. Recommending actions for implementation or further study by other BHA components.

Dated: March 25, 1974.

S. H. CLARKE,
*Acting Assistant Secretary for
Administration and Management.*

[FR Doc. 74-7332 Filed 3-28-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On April 10 and 11, 1974, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the Secretary of Transportation.

On April 10 at 9:30 a.m. in room 10234 the Subcommittee on Motorcycle Safety will meet with the following agenda:

- Discussion of Recommendations on Motorcycle Safety Resulting from Second International Congress—July 1972.
- Proposed Technical Meeting—Neck and Head Protection for Motorcyclists.

At 11:30 a.m. on April 10 in room 10234 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

- Briefing—Standardizing Maximum Speedometer Readings.
- Briefing—Daytime Running Lights.
- Briefing—Rear-end Lighting Systems Red/Green/Amber.
- New Business:
 - Discussion of Department Replies to Resolutions.
 - Future Committee Meetings.

On April 10 at 2:00 p.m. in room 4238 the Crashworthiness Committee will meet with the following agenda:

- Review of FMVSS 208—Occupant Protection.
- Review of School Bus Crashworthiness Standards.
- Report on Crash Recorder Program.
- Discussion of Anthropomorphic Dummy Design—Human Injury Tolerance Research.
- New Business:
 - Discussion of Department Replies to Resolutions.
 - Future Committee Meetings.

On April 11 at 9:00 a.m. in room 4238 the full Council will meet with the following agenda:

- Report of Accident Avoidance and Operating Systems Committee.
- Report of Crashworthiness Committee.
- Report on Status of Third International Congress.
- Treasurer's Report.
- New Business.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on: March 25, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74-7294 Filed 3-28-74;8:45 am]

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

[Docket No. 26113]

Deletion of Lima, Ohio; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 30, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed

statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 16, 1974, and the other parties on or before April 24, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 26, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-7319 Filed 3-28-74;8:45 am]

[Docket No. 25280; Order 74-3-109]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Free and Reduced Transportation for Cargo Sales Agents

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association and resulting from the Fifth Cargo Agency Committee Meeting, held at Geneva, November 27-29, 1973. The agreement has been assigned the above C.A.B. agreement number.

The agreement would adopt a new resolution expanding provisions for the instruction and training of employees of IATA cargo agents, currently regulated by paragraph (1) (e) of Resolution 811b. Under the new resolution, carriers would be permitted to arrange for and absorb, within certain limits, transportation costs as well as housing and other associated expenses for those employees participating in training programs scheduled to a maximum of five days for minimum size groups of eight. Additionally,

the agreement revalidates to December 31, 1976, by means of a standard revalidation resolution (002), certain portions of a previously Board-approved resolution governing reduced fares for foreign-based cargo agents presently due to expire December 31, 1974. This resolution allocates each agent registered for a specific country two 75 percent discount tickets per carrier per year; a maximum of 40 75 percent discount tickets under a productivity feature based on commissionable sales; and 20 additional 50 percent discount tickets.

In line with Board policy, we will approve the agreement insofar as it applies to foreign-based cargo agents and their employees. Historically, the Board's position has been that foreign-based agents operate under differing laws which make their activities more the concern of their respective governments. The Board has also noted, to a lesser degree, the practical difficulties of enforcement of any differing scheme affecting these agents.

We will disapprove the agreement insofar as it would apply to U.S.-based agents and their employees consistent with our past policy of strictly limiting free or reduced-rate transportation for U.S.-based agents to the extent which has been permitted under the resolution governing such reduced-fare concessions for U.S.-based cargo agents. The Board has conditioned that resolution to specifically exclude any travel under the entertainment or instruction provisions of any other agency resolution. This reflects the Board's long held opinion that the provisions for travel by U.S.-based agents under that resolution provide ample travel opportunity for any educational or training purpose.¹

The Board, acting pursuant to sections 102, 204(a), 404(b) and 412 of the Act, makes the following findings:

1. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

¹See Orders 69-7-77 and 71-4-126 of July 16, 1969 and April 19, 1971, respectively.

Agreement CAB	IATA No.	Title	Application
24221: R-1	002	Standard Revalidation Resolution	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

2. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act insofar as it would apply to the employees of foreign-based IATA cargo sales agents provided that approval is subject to the conditions stated herein:

Agreement CAB	IATA No.	Title	Application
24221: R-2	203e	Training Courses for Cargo Agents (New)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Provided that with respect to Resolution 203e: Approval of the provisions embodied in said resolution, insofar as it is applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said resolution;

(b) A determination as to whether a violation of section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such resolution whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's Economic Regulations relating to tariffs for free or reduced-rate transportation.

3. It is found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest and in violation of the Act insofar as it would apply to the employees of United States-based IATA cargo sales agents:

Agreement CAB	IATA No.	Title	Application
24221: R-2.....	203e	Training Courses for Cargo Agents (New)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Accordingly, it is ordered, That:
 1. That portion of Agreement C.A.B. 24221 set forth in finding paragraph 1 above be and hereby is approved, subject to conditions previously imposed by the Board;
 2. That portion of Agreement C.A.B. 24221 set forth in finding paragraph 2 above be and hereby is approved subject to the conditions stated therein, insofar as it would apply to the employees of foreign-based IATA cargo sales agents; and
 3. That portion of Agreement C.A.B. 24221 set forth in finding paragraph 3 above be and hereby is disapproved insofar as it would apply to the employees of United States-based IATA cargo sales agents.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.
 [FR Doc.74-7322 Filed 3-28-74; 8:45 am]

Agreement CAB	Specific Commodity Item No.	Description and Rate
24248:	7046	Photographic Sensitized Paper 220 cents per kg., minimum weight 200 kgs. From New York/Montreal to Nairobi.
24278: R-1.....	7448	Rubber Seals ¹ 99 cents per kg., minimum weight 500 kgs. From Malta to New York/Montreal.
R-2.....	6806	Gums and Resins and Manufactures (Plastic) Sheets, Slabs, Rods, Tubes and other unfinished forms ¹ 92 cents per kg., minimum 500 kgs. From New York/Montreal to London.

¹ Area of application changed to include the North Atlantic.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreements C.A.B. 24243 and C.A.B. 24278, R-1 and R-2, be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on

not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, and Order 73-9-109 of September 28, 1973, and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.
 [FR Doc.74-7321 Filed 3-28-74; 8:45 am]

[Docket Nos. 22670 and 22500; Order 74-3-112]

LOS ANGELES AIRWAYS, INC.

Order To Show Cause

By Order 73-7-20, July 6, 1973, the Board denied the application of Los Angeles Airways, Inc. (LAA) for renewal, for an indefinite period, of its temporary suspension authority on route 84 and ordered the carrier to resume service in conformance with the terms and conditions of its certificate within ninety days from the effective date of the order.¹

LAA failed to resume service within the 90-day period provided for in Order 73-7-20, and we have been informed by counsel for the receiver in bankruptcy that all of LAA's tangible assets have now been sold. We have, therefore, decided to issue an order to show cause which proposes to render LAA's certificate for route 84 ineffective, rather than to conduct unnecessary hearings. Accordingly, we tentatively find and conclude that the public convenience and necessity require that, pursuant to section 401(f) of the Act and section 205.1 of the Board's Economic Regulations, the Board direct that LAA's certificate for route 84 cease to be effective.²

In support of our ultimate conclusion, we make the following tentative findings and conclusions. LAA filed a petition under Chapter XI of the Bankruptcy Act

¹ We also instituted an investigation, to be set for hearing at a time and place to be designated at a future date, to determine whether, in the event that LAA did not resume service within 90-days from the date of the order, the Board should (a) grant temporary suspension of LAA's authority on route 84; or (b) direct that LAA's certificate of public convenience and necessity for route 84 shall cease to be effective under section 401(f) of the Act or shall be revoked under section 401(g).

We further ordered that the investigation should determine whether the application of LAA, in Docket 22500, for renewal of the "area" exemption authority granted in Order E-22798, October 25, 1965, and amended in Order 69-4-82, April 17, 1969, should be granted and, to that end, consolidated Docket 22500 with Docket 22670.

² Section 401(f) of the Federal Aviation Act and section 205.10 of the Board's Economic Regulations provide, in part, that if, for a period of 90 days, any service authorized by a certificate is not operated, the Board may, by order entered after notice and hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service.

on October 6, 1970, and its court-appointed receiver determined the following day that its operations should be suspended. No scheduled route service has been provided by LAA since that time. Although directed by the Board under section 401(f) to resume service, the carrier has failed to do so. All the carrier's tangible assets have been sold.

In the above circumstances, it appears unlikely in the extreme that LAA will be able to or intends to resume operations. Therefore, we tentatively find that it is required by the public convenience and necessity and would be in the public interest for the Board to order that LAA's certificate for route 84 cease to be effective.³

Interested persons will be given twenty days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and directing that the certificate of Los Angeles Airways, Inc. for route 84 cease to be effective;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings or conclusions set forth herein shall, within 20 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, and other evidence expected to be relied upon to support the stated objections;⁴

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of the order shall be served upon Los Angeles Airways, Inc., its re-

³ The carrier's request for renewal of its area exemption would be dismissed as moot.

⁴ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

ceiver in bankruptcy, and the mayors of the cities of Newport Beach and Riverside, California.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-7323 Filed 3-28-74; 8:45 am]

[Docket No. 2636; Order 74-3-114]

UNION DE TRANSPORTS AERIENS (U.T.A.)

Statement of Tentative Findings and Conclusions

Union de Transports Aeriens (U.T.A.) holds a foreign air carrier permit reissued pursuant to Order E-21178, 41 CAB 662, (1964) authorizing the carrier to engage in foreign air transportation of persons, property, and mail between New Caledonia, Tahiti, and Bora Bora, the intermediate point Honolulu, Hawaii, and the terminal point Los Angeles, California.

On January 29, 1974, U.T.A. filed an application for amendment of its permit so as to obtain authority to serve Pago Pago, American Samoa as a point on its route to Los Angeles, California. On February 5, 1974, U.T.A. revised its application to include a request for another point, Nandi, Fiji on its Los Angeles route.¹

In granting U.T.A. a New Caledonia-Tahiti-Bora Bora-Honolulu-Los Angeles route, the Board found that the carrier met the fitness standards of the Act and that its services were in the public interest. U.T.A. has performed its presently authorized services successfully. It now serves the Papeete (Tahiti)-Los Angeles market four times a week (two DC-10 and two DC-8 frequencies) and the Noumea (New Caledonia)-Los Angeles market twice weekly (one DC-10 and one DC-8 frequency).

A New Caledonia-Los Angeles route, via Nandi, Pago Pago, and other points, is provided for in the United States-France bilateral Air Transport Services Agreement,² and U.T.A. has been desig-

¹ Copies of the applications have been transmitted to the President in accordance with section 801 of the Federal Aviation Act of 1958.

² The bilateral rights are set forth in two routes as follows:

"8. New Caledonia via the intermediate points Nandi, Pago Pago, Tahiti, and Bora Bora to Honolulu and the terminal point on the West Coast selected by France as the United States terminal of Route 4, in both directions. Note: Without rights to carry local, connecting, or stopover traffic between Nandi, and Pago Pago until such time as the United States of America receives such rights from the United Kingdom."

"9. Tahiti and Bora Bora to Honolulu and the terminal point on the West Coast selected by France as the United States terminal of Route 4, in both directions."

On October 10, 1970, Fiji became independent. Accordingly, the right for U.S. carriers to transport local, connecting, or stopover traffic between Nandi, Fiji, and Pago Pago, American Samoa would be granted by the Government of Fiji, rather than the Government of the United Kingdom.

nated by the Government of France to serve Nandi and Pago Pago as intermediate points on its route to the United States.

In view of the facts set forth, the Board tentatively finds and concludes that:

(a) It is in the public interest to amend the foreign air carrier permit held by Union de Transports Aeriens so as to authorize the carrier to engage in foreign air transportation of persons, property, and mail between a point or points in the islands of New Caledonia, Tahiti, and Bora Bora; the intermediate points Nandi, Fiji, Pago Pago, American Samoa; and Honolulu, Hawaii; and the terminal point Los Angeles, California;

(b) U.T.A. is fit, willing, and able to provide the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

(c) The public interest requires that the exercise of the privileges that would be granted in U.T.A.'s amended permit should be subject to the terms, conditions, and limitations contained in the attached proposed form of permit, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein, and why, subject to the approval of the President pursuant to section 801 of the Federal Aviation Act, the Board should not issue an amended foreign air carrier permit to Union de Transports Aeriens (U.T.A.) in the form attached to this order;

2. Any interested person having objections to the tentative findings and conclusions set forth herein, or to the issuance of the proposed foreign air carrier permit, shall file such objections within 10 days after the date of service of this order, and file with the Board and serve on the persons named in paragraph 5 a memorandum of objection specifying the part or parts of the tentative findings and conclusions or permit objected to and stating the specific grounds of any such objections;³

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: Provided, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance

³ Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: Union de Transports Aeriens, Pan American World Airways, American Airlines.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN AIR CARRIER
(AS AMENDED)

Union de Transports Aeriens (U.T.A.) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

Between a point or points in the islands of New Caledonia, Tahiti, and Bora-Bora; the intermediate points Nandi, Fiji; Pago Pago, American Samoa; and Honolulu, Hawaii; and the terminal point Los Angeles, California.

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall not carry local, connecting, or stopover traffic between Nandi, Fiji and Pago Pago, American Samoa until such time as the United States of America receives such rights from the Government of Fiji.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of France for French international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and France shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in

CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on _____ Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route hereby authorized from the routes which may be operated by airlines designated by the Government of France, or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of France in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Services Agreement between the Government of the United States and the Government of France, effective March 27, 1946, as amended by exchanges of notes, including that of May 29, 1969. *Provided, however,* That clause (3) of this paragraph shall not apply if prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and France are or shall become parties.

In Witness Whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto,

[SEAL] SIGNATURE
Secretary.

[FR Doc.74-7324 Filed 3-28-74; 8:45 am]

[Docket No. 26509]

CHARTER REGULATIONS APPLICABLE TO
FOREIGN ROUTE AIR CARRIERS

Order To Show Cause

Correction

In FR Doc. 74-6567, appearing at page 10645 for the issue for Thursday, March 21, 1974, the table in the first column of page 10646 should be transferred so that it appears under footnote number 7 at the bottom of the page.

CIVIL SERVICE COMMISSION

NATIONAL PROGRAM GRANTS

Notice of Requests for Proposals

The U.S. Civil Service Commission is now accepting proposals from qualified applicants for National IPA program grants to be made for Fiscal Year 1975 pursuant to Section 506(a) of the Intergovernmental Personnel Act (IPA). The Commission is interested in programs which address significant personnel management, manpower utilization, and training needs of State and local governments on a nationwide basis and intends

to award national grants early in the Fiscal Year, consistent with its appropriations for Fiscal Year 1975. The deadline for receipt of official applications is August 5, 1974. All interested parties should contact: U.S. Civil Service Commission, Bureau of Intergovernmental Personnel Programs, Office of Grant Operations, 1900 E Street, NW, Washington, D.C. 20415, 202-632-6274. This notice pertains only to the award of Fiscal Year 1975 IPA grant funds for national programs. For information about IPA grant funds for specific State and local governments and combinations thereof, contact the appropriate Regional Office of the U.S. Civil Service Commission.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-7295 Filed 3-28-74; 8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

MARCH 25, 1974.

On October 4, 1973, there was published in the FEDERAL REGISTER (38 FR 27547) a letter dated September 28, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which establish specific export limitations, among others, on wool textile products in Categories 104 and 120 and on man-made fiber textile products in Categories 216, 222 (part), 228 and 238, produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning October 1, 1973 and extending through September 30, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of March 25, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to wool textile products in Categories 104 and 120 and to man-made fiber textile products in Categories 216,

222 (part), 228, and 238 for the 12-month period which began on October 1, 1973.

SETH M. BODNER,
*Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 25, 1974.

DEAR MR. COMMISSIONER: On September 28, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹ The directive of September 28, 1973 was previously amended by directives of October 24, 1973 and February 6, 1974.

Pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed further to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of September 28, 1973, for wool textile products in Categories 104 and 120 and for man-made fiber textile products in Categories 214/240 as a group, and individual Categories 216, 222 (part), 228 and 238 to the following:

Category	Amended Twelve-Month Levels of Restraint ¹
104 -----square yards--	1,612,217
120 -----numbers--	336,311
214/240---sq. yds. equivalent--	350,478,143
216 -----dozen--	142,755
Part 222 (excluding T.S.U.S.A. Nos. 380.0428 and 380.8165) -----dozen--	766,720
228 -----do--	734,502
238 -----do--	182,831

¹These amended levels of restraint have not been adjusted to reflect any entries made on or after October 1, 1973.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of

¹The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreements of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carry-over of shortfalls in certain categories to the next agreement year; for limited interfiber flexibility between cotton textiles and man-made fiber textile products of the comparable category; and for administrative arrangements.

the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Im-
plementation of Textile Agree-
ments, and Deputy Assistant Sec-
retary for Resources and Trade
Assistance.*

[FR Doc.74-7255 Filed 3-28-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN EL SALVADOR

Entry or Withdrawal From Warehouse for Consumption

MARCH 22, 1974.

On April 19, 1972, the United States Government concluded a bilateral cotton textile agreement with the Government of El Salvador concerning exports of cotton textiles and cotton textile products from El Salvador to the United States over a five-year period beginning on April 1, 1972. This agreement was amended by directive dated May 29, 1973 (38 FR 14437). Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 1/2/3/4, 9, 15, and 31 for the agreement year beginning April 1, 1974.

There is published below a letter of March 22, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15, and 31 produced or manufactured in El Salvador which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning April 1, 1974, be limited to the designated levels.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
*Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 22, 1974.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of April 19, 1972, as amended, between the Governments of the United States and El Salvador and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month

period beginning April 1, 1974, and extending through March 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, in excess of the following levels of restraint:

Category	12-month levels of restraint
1/2/3/4 -----pounds--	388,043
9 -----square yards--	1,575,000
15 -----do--	1,050,000
31 -----numbers--	1,058,620

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, which have been exported to the United States from El Salvador prior to April 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1973 and extending through March 31, 1974.

In the event that the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, as amended, between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Im-
plementation of Textile Agree-
ments, and Deputy Assistant Secretary for
Resources and Trade Assistance.*

[FR Doc.74-7257 Filed 3-28-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

MARCH 25, 1974.

On March 16, 1972, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of Thailand concerning exports of cotton textiles and

cotton textile products from Thailand to the United States over a five-year period beginning on April 1, 1972, and extending through March 31, 1977. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64 for the agreement year beginning on April 1, 1974.

Accordingly, there is published below a letter of March 25, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in Thailand, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning April 1, 1974, and extending through March 31, 1975, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
*Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 25, 1974.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of March 16, 1972, between the Governments of the United States and Thailand, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective April 1, 1974 and for the twelve-month period extending through March 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64, produced or manufactured in Thailand, in excess of the following levels of restraint:

Category	Twelve-Month Levels of Restraint
9/10 -----square yards	2,067,188
15/16 -----do	826,875
18/19 -----do	2,067,188
22/23 -----do	1,240,313
26/27 -----square yards (of which not more than 1,102,500 square yards shall be in duck fabric ¹)	1,653,750

¹ The T.S.U.S.A. Nos. for duck fabric are:
320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

Category	Twelve-Month Levels of Restraint
43 -----dozen	52,920
45 -----do	22,050
46 -----do	19,845
47 -----do	17,420
48 -----do	9,923
49 -----do	15,435
50 -----do	27,563
51 -----do	27,563
52 -----do	29,768
53 -----do	8,489
54 -----do	15,435
55 -----do	7,497
60 -----do	41,895
62 -----pounds	83,886
63 -----do	83,886
64 -----do	89,878

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Thailand, which have been exported to the United States from Thailand prior to April 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1973 and extending through March 31, 1974.

In the event that the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 16, 1972, between the Governments of the United States and Thailand which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Im-
plementation of Textile Agreements,
and Deputy Assistant Secretary for
Resources and Trade Assistance.*

[FR Doc.74-7256 Filed 3-28-74; 8:45 am]

**COUNCIL ON ENVIRONMENTAL
QUALITY**
ENVIRONMENTAL IMPACT STATEMENTS
Notice of Receipt

Environmental impact statements received by the Council on Environmental Quality from March 18 through March 22, 1974. The date of receipt for each statement is noted in the state-

ment summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (May 14, 1974)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-F, Administration Building, Washington, D.C. 20250, 202-447-3965

FOREST SERVICE

Draft

Cedar Creek Unit, Clark National Forest, Mo., Boone and Callaway Counties, March 18: Proposed is a plan for the management direction of the Cedar Creek Purchase Unit, Clark National Forest. The Unit will be managed for recreational, wildlife, grazing, and timber values. The acquisition of land will require some displacement of people. There will be social, ecological, and economic impact from the proposal (28 pages). (ELR Order No. 40407.)

Cube Iron—Silcox Unit, Lolo National Forest, Mont., Sanders County, March 20: The statement refers to a proposed multiple use plan for the 16,927 acre Cube Iron-Silcox Planning Unit, Thompson Falls Ranger District, Lolo National Forest. Under the plan the Unit would be divided into six sub-units, to be managed for similar resource potentials and problems. Roadless conditions would be maintained upon 8,267 acres; roads and other activities will result in the development of 7,766 acres which are currently roadless. Management would be for recreation, aesthetics, fisheries, wildlife, watershed, timber, soil, water, vegetation, and wildlife (115 pages). (ELR Order No. 40424.)

Enterprise Planning Unit, Dixie National Forest, Utah, Iron and Washington Counties, March 18: The statement refers to a proposed land use plan for the 328,000 acre Enterprise Planning Unit of the Dixie National Forest. The plan sets forth the allocation of land to resource uses and activities, including watershed protection, recreation, livestock grazing, wildlife management, timber management, and road and trail maintenance. Of sixteen inventoried roadless areas within the unit, the plan recommends special management of only two. The activities of the plan will have impact upon vegetation, soils, aesthetics, wildlife, recreation, and water supply and quality. (ELR Order No. 40403.)

Final

Boulder-Grover Road, Dixie National Forest, Utah, Garfield and Wayne Counties, March 18: The statement refers to the proposed construction of a two lane, 28.5 mile road between Boulder and Grover. The road will traverse the east slope of the Boulder Mountains of Dixie National Forest; it is intended to increase ease in reaching marketing areas for the citizens of Boulder, and to increase tourist traffic at both communities. There will be short term adverse impact from construction activity. Comments made by: DOI, EPA, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40414.)

Green Mountain National Forest, Vt., March 21: The statement refers to a proposed 2 year timber management plan for the Green Mountain National Forest. Under

the plan there will be an annual allowable cut of 10.8 million board feet of sawtimber and 7,000 cords of round wood products. There will be road construction as part of the plan. The plan will affect soil and water quality standards, aesthetic values, and wildlife habitat (46 pages). Comments made by: DOI, EPA, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40431.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Transmission Line, Ryceville to Lexington Park, Md., St. Marys and Charles Counties, March 18: The statement refers to the proposed lending of funds to Southern Maryland Electric Cooperative, Inc., for the construction of 22.3 miles of 230 kV transmission line from Ryceville to Lexington Park, a tap switching station, and a step-down substation. There will be some construction disruption and visual impact (135 pages). Comments made by: DOT, USDA, EPA, FPC, and DOI. (ELR Order No. 40416.)

SOIL CONSERVATION SERVICE

Draft

Chicot Watershed Project, Arkansas, Chicot County, March 18: Proposed is a watershed protection, flood prevention, and agricultural water management program on the Chicot Watershed. Project measures will include land treatment on 89,200 acres; the installation of 92.2 miles of channel work on existing channels and the installation of 30.8 miles of new channels; and the construction of 517 water control structures, 50 grade stabilization structures, and 5 low water weirs. Adverse impact will include the loss of some edge and wetland species, and the enhancement of the potential for future clearance of wooded areas and drainage of wetlands (47 pages). (ELR Order No. 40410.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Granada Local Protection Project, Colorado, March 18: The statement refers to the plan for improvement of flood protection at Granada. The project involves improving the existing Wolf Creek channel and levee system to protect the town from the Standard Project Flood of 41,000 cfs and the adjacent farmlands from floods up to and including the 15-year flood of 9,200 cfs. Adverse impacts are the use of 160 acres of land, alterations in the Arkansas River ecosystems, and potential increases in the levels of air, noise, and water pollution (Albuquerque District). (ELR Order No. 40418.)

Sycamore Creek Flood Protection, Kansas, Montgomery County, March 21: Proposed is the construction of a flood control dam on Sycamore Creek, north of the City of Coffeyville. Adverse impact would include the relocation of one family, and the rendering of two farm units uneconomical due to loss of acreage. The project will result in the inundation of 147 acres of land and two miles of free flowing steam, (Tulsa District) (19 pages). (ELR Order No. 40433.)

Little Goose Lock and Dam, Wash., Whitman, Columbia, and Garfield Counties, March 22: The statement refers to the existing Little Goose Lock and Dam Project, a navigation-hydroelectric project on the Snake River. Project measures include a navigation lock, a 3 unit hydroelectric spillway

dam, and a 10,025 acre lake. The proposed action is the addition of 3 power units, and the continued operation and management of the project. Impacts discussed in the statement relate to recreational uses, navigation, wildlife habitat management, the operation of fish passage facilities, and the production of electric power (Walla Walla District) (Approximately 200 pages). (ELR Order No. 40436.)

Manitowac and Two Rivers Harbors, Wis., March 22: Proposed is the periodic maintenance dredging of the Manitowac and Two Rivers Harbors. A diked spoil containment structure with an incorporated effluent filter would be constructed adjacent to the existing breakwater at Manitowac. There would be adverse impact to local benthic organisms. Twenty-four acres of land would be formed at the disposal site: this land would be suitable for community development (Chicago District) (95 pages). (ELR Order No. 40437.)

Kaaawa Beach Erosion Control, Hawaii, March 21: Proposed is the construction of a protective beach by initial placement of 9,300 cu. yds. of sand at Kaaawa Beach and periodic nourishment, which will require an additional 2,700 cu. yds. of sand every four years. Adverse impact would include the destruction of some benthic organisms (Pacific Ocean Division) (13 pages). (ELR Order No. 40434.)

Final

McGee Creek Drainage and Levee District, March 18: The plan consists of the landslide enlargement of approximately 59,100 linear feet of existing levee and construction of 16,500 linear feet of new levee, along with the construction of 3 channel cutoffs, totaling 6,600 linear feet. Approximately 1,700 ft. of the left bank of McGee will be rippedraped. The plan also provides for the replacement of an existing pumping station and construction of a new inlet ditch. Adverse impacts are the use of 475 acres of land for the project, loss of some aquatic habitat, and the loss of archeological sites (St. Louis District) (94 pages). Comments made by: USDA, DOC, EPA, HUD, DOI, DOT, and state agencies. (ELR Order No. 40402.)

DEPARTMENT OF DEFENSE

NAVY

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

Draft

Farallon de Medinilla Bombardment Range, Mariana I., March 18: Proposed is the continued use of Farallon de Medinilla, the smallest of the fourteen islands within the Mariana District of the U.S. Trust Territories of the Pacific Islands, as a Navy and Air Force bombardment range. The entire 224 acre island is used for air-to-ground weapons delivery and shore bombardment. Impact results primarily from explosion and ordnance fragmentation, and includes water pollution, air pollution, and the destruction of vegetation and wildlife (50 pages). (ELR Order No. 40417.)

TRIDENT Support Site, Bangor, Wash., March 21: Proposed is the construction, operation, and maintenance of permanent support facilities of an advanced submarine-based missile defense system. The proposed site will include 6,929 acres of the Bangor Annex complex, on the Hood Canal, Puget Sound. The support site will directly employ 4,700 military and 3,500 civilian personnel; a gradual increase in population due to the project will reach an estimated 27,000 by 1983. The major impacts of the project will be the increased population, and its impacts

upon the social and economic resources in the region. (ELR Order No. 40435.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Final

Monett Wastewater Treatment Facilities, Missouri, March 19: Proposed is the construction of additional wastewater treatment facilities, interceptors, lift stations, and force mains for the City of Monett. The expansion will increase the capacity of present facilities to a level which would accommodate a population equivalent of 53,000 people. There will be adverse aesthetic impact from the project (528 p.). Comments made by: DOI, DOT, GSA, COE, HEW, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40422.)

Trinity River Authority, Central Regional Facility, Texas, March 21: Proposed is federal grant assistance to the Trinity River Authority for aid in the construction of additional waste-water treatment facilities at its Central Regional Wastewater Facility site in Grand Prairie. The project involves construction of a 70 MGD activated sludge treatment facility to be operated in parallel to the existing 30 MGD trickling filter facility. The combined discharge will receive further treatment prior to discharge to the Trinity River 8 miles upstream from Dallas. Construction of the plant expansion and related work will involve local disruption. Comments made by: DOT, DOI, COE, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40432.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Final

Skagit River Project No. 553, Washington, Whatcom County, March 18: The statement refers to the consideration of an application by the City of Seattle for an amendment to the license for the Skagit River Project No. 553. The amendment would allow the raising of the height of Ross Dam by 121 feet, the construction of a new spillway, the replacement of existing turbines, and related work. The new reservoir would affect lands in both the United States (the Ross Lake National Recreation Area) and Canada. Impact of the action will include the inundation of 8,300 acres and the elimination of fish spawning areas; and changes in recreational and scenic values from stream-type to reservoir type (2 volumes). Comments made by: AEC, DOC, COE, DOT, EPA, and state and local agencies. (ELR Order No. 40406.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-5980.

Draft

Yerba Buena Center Urban Renewal, San Francisco, Calif., March 22: The statement refers to a proposed urban renewal project in the 87.3 acre area southeast of San Francisco's financial and downtown retail districts. Planned development will include: a parking garage, a convention hall, a meeting room complex, a multi-purpose arena, a pedestrian concourse retail shops, a hotel, an office building, and related facilities. As of October, 1973, there were 499 individuals 26 families, and 130 business firms remaining to be displaced from the project area. A substantial number of the individuals involved

are low income, elderly persons (316 pages). (ELR Order No. 40438.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BONNEVILLE POWER ADMINISTRATION

Draft

BPA Wholesale Power Rate Increase, March 18: The statement refers to an increase in BPA's wholesale power rates to a level which is intended to meet fiscal payout requirements covering costs and projected facilities for the Federal Columbia River Power System. The increase considered is in the 20-30 percent range, and is dated for December 20, 1974. There will be an estimated 2 percent reduction in demand as a result of the increase in rates, with a concomitant avoidance and/or delay in construction of new power plants. The statement discusses impacts upon transportation and transmission of electricity; increased use of fuel oil and utility gas; and social and economic impacts on the ultimate consumers (122 pages). (ELR Order No. 40405.)

Eastern Clark County Service, Washington, Clark County, March 18: The statement, which supplements the statement for BPA's Fiscal Year 1975 Program, refers to the construction of a 1.3 mile, 230 kV transmission line connecting the Sifton Substation with BPA's existing North Bonneville-Ross line. Impact of the action will include the removal of 4 acres of noncommercial forestland, siltation of nearby streams, and some degradation of AM reception immediately adjacent to the right-of-way (32 pages). (ELR Order No. 40404.)

Maple Valley Transmission, King County, Wash., March 21: The statement, which supplements an earlier statement on BPA's Fiscal Year 1975 Program, refers to the proposed construction of 16 miles of 500 kV double circuit transmission line and a new substation at Snoqualmie. The line will require approximately 134 acres of new right-of-way easement, including the removal of timber from 105 acres; the substation site will require an additional 25 acres. There will be siltation of nearby streams from construction activity, and some degradation of AM reception immediately adjacent to the right-of-way (51 pages). (ELR Order No. 40425.)

Richland Area Electrical Service, Washington, Benton and Franklin Counties, March 21: The document, which supplements BPA's statement on its Fiscal Year 1975 Program, refers to the proposed construction of 35.2 miles of 230kV transmission line and 3.6 miles of 115kV line, and the associated construction of three new substation facilities. A total of approximately 760 acres will be committed to transmission easements or construction sites; 697 acres of this would be entirely within AEC's Hanford Reservation (78 pages). (ELR Order No. 40426.)

BUREAU OF RECLAMATION

Draft

Fryingpan-Arkansas Project, Colorado, several counties, March 18: The statement refers to the Fryingpan-Arkansas Project, major features of which include 6 dams and reservoirs, 18 diversion structures, 10 tunnels, 2 canals, 2 powerplants, 52 miles of transmission line, and 2 municipal and industrial water delivery conduits, with a total length of 266 miles. Purposes of the project include: the development of the regional and national economy through irrigation; development of hydroelectric power; water supply and quality improvement; and development of recreation facilities. A total of 39,279 acres will be required to accommodate all project

features. The project will deplete the Colorado Basin of 70,000 acre-ft of water, thus increasing salinity. (ELR Order No. 40401.)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft

Proposed Lacassine National Wildlife Refuge, La., Cameron County, March 21: Proposed is the legislative designation of 3,296 acres of the Lacassine Wildlife Refuge as Wilderness within the National Wilderness Preservation System. The major impact of the proposal would be the removal of some future management options (31 pages). (ELR Order No. 40428.)

NATIONAL PARK SERVICE

Draft

Proposed Parker River Wilderness Area, Massachusetts, Essex County, March 21: Proposed is the legislative designation of 3,110 acres of the Parker River National Wildlife Refuge as wilderness within the National Wilderness Preservation System. Some future management options would be precluded by wilderness designation (55 pages). (ELR Order No. 40429.)

Proposed Assateague Island Wilderness Area, Virginia and Maryland, March 21: Proposed is the legislative designation of 1,300 acres of Assateague Island in Accomack County, Virginia, and 5,200 acres of Assateague in Worcester County, Maryland, as wilderness within the National Wilderness Preservation System. Some future management options would be removed by wilderness designation (64 pages). (ELR Order No. 40427.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Andalusia-Opp Airport, Ala., Covington County, March 18: The statement refers to the proposed development of the Andalusia-Opp Airport in Covington County. The project involves construction of a runway, taxiways, and aircraft parking aprons; installation of lighting, wind cone, segmented circle, rotating beacon, and visual approach slope indicator; and acquisition of 100 acres of land for runway construction. There will be increased levels of air and noise pollution due to the expanded airport operations. There will also be temporary adverse effects normally associated with construction (44 pages). (ELR Order No. 40409.)

William P. Hobby Airport, Houston, Tex., March 18: The statement refers to the construction of two runways parallel to two existing runways at the William P. Hobby Airport for use by light aircraft. The new runways will be marked, and lighting will be installed. Adverse impact of the project is the increase in the levels of air and noise pollution (3 volumes). (ELR Order No. 40411.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-15, San Diego County, Calif., March 18: The statement refers to the construction of I-15 for 6.7 miles from 0.8 mile north of Lake Hodges Bridge to 0.2 mile north of Country Club Lane in and near the city of Escondido. The proposed 8 lane freeway will be a bypass superseding the existing expressway through Escondido. Adverse impacts are increased levels of noise and air pollution and the use of approximately 400 acres of land (86 pages). (ELR Order No. 40419.)

U.S. 36, Brown and Doniphan Counties, Kans., March 18: The statement refers to approximately 13.5 miles of highway improvement to US 36 in Brown and Doniphan Counties. The project begins 1.5 miles west of Hiawatha and proceeds easterly to its terminus 1 mile east of the Brown-Doniphan County line. Adverse impact of the project include the loss of some natural growth and wildlife cover, and a slight increase in the noise level. (ELR Order No. 40415.)

US 69, Bourbon County, Kans., March 19: The project extends from the intersection of US-54 and US-69 at the north edge of Fort Scott in Bourbon County, north approximately 13.0 miles to the Bourbon-Linn County line. An alternative terminus may extend the improvement to K-239 at Prescott. Adverse impacts include the loss of 120 acres of land, and the displacement of an unspecified amount of people (122 pages). (ELR Order No. 40420.)

I-495 Rest Area, Bolton-Harvard Town Line, Mass., March 18: The project involves the construction of a rest area on the east side of Massachusetts I-495 at the Bolton-Harvard Town line adjacent to the northbound roadway. The area will also be accessible from the southbound lanes by means of a two-span bridge to be constructed over I-495. The area will require the use of 44 acres of land which is now in a rural undeveloped state (148 pages). (ELR Order No. 40413.)

State Trunk Highway 21, Juneau County, Wis., March 18: The statement refers to the proposed reconstruction and resurfacing of State Trunk Highway 21 in Juneau County. The project begins at the Juneau-Monroe County line and extends easterly 15.11 miles through the village of Necedah to the Wisconsin River. The westerly 9.56 miles involve reconstruction of the existing roadway and the easterly 5.55 miles involve resurfacing. The project will require acquisition of approximately 24 acres from private individuals and from the U.S. Government (26 pages). (ELR Order No. 40408.)

Final

I-19, Nogales-Tucson Highway, Supplement, Arizona, Santa Cruz County, March 19: The document is a final supplement to the environmental impact statement filed with the Council on August 11, 1971 (ELR Order No. 454; NTIS Order No. PB-201 785-F). Location changes for the project between Stations 890 and 900, and relocation of the Tumacacori Interchange are proposed (52 pages). Comments made by: DOI and state agencies. (ELR Order No. 40421.)

I-95, Center Leg of the Inner Loop Freeway, District of Columbia, March 18: The proposed action involves the construction of the final portion of the Center Leg of the Inner Loop Freeway. The project will initially consist of four lanes of depressed roadway which will connect the Southwest Freeway and New York Avenue. Project length is 2,100 feet of which 1,200 feet will be tunneled. One hundred ninety-two families and 36 businesses have been displaced since right-of-way acquisition began in 1966 (175 pages). Comments made by: EPA, DOT, HUD, DOI, USDA, local agencies. (ELR Order No. 40412.)

North Freeway, Omaha, Nebr., Douglas County, March 21: Proposed is the construction of a 0.7 mile extension to the present North Freeway in Omaha. Adverse effects of the project include acquisition of right of way, relocation impacts on wildlife, possible erosion and water pollution, and conflicts with present utilities (54 pages). Comments made by: DOT, COE, USDA, HUD, DOI, EPA. (ELR Order No. 40430.)

Draft

F.A.P. 408, Illinois, Pike and Adams Counties: The project involves the construction

of a section of Supplemental Freeway F.A.P. 408 between Barry and Quincy. The project length is 26 miles. Adverse impacts are the loss of agricultural land, the relocation of several farm residences, and revisions of local land access patterns in the rural areas. (ELR Order No. 40423.)

The following environmental impact statements were received during the week of March 11 to March 15, 1974. Notice of these statements appeared in the March 22, 1974 FEDERAL REGISTER, and the commenting period for them began on that date. Summaries of the statements were not available at that time, however, and therefore are provided below.

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BONNEVILLE POWER ADMINISTRATION

Draft

San Juan Island Service, Washington, San Juan County, March 11: The statement, which supplements one for BPA's Fiscal 1975 Program, refers to the construction of a 1.7 mile 34.5kV double circuit transmission line across Decatur Island, and a substation on Lopez Island. From two to seven acres of land will be required for right-of-ways and the construction site. There will be some disturbance to wildlife, and some degradation of AM reception adjacent to the line (34 pages). (ELR Order No. 40376.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Elk Summit Unit, Clearwater National Forest, Idaho, Idaho County, March 11: Proposed is a revised land use plan for the 82,627 acre Elk Summit Planning Unit, Powell Ranger District, Clearwater National Forest, under which the Unit would be divided into 11 sub-units for management. Under the plan, 41% of the Unit would be available for commercial timber harvest in the standard and marginal components; timber yields would be reduced in special management areas (32% of the Unit); and the remainder of the Unit would be non-commercial or unregulated timber. A total of 36,800 acres will remain roadless but with portions being available for commercial timber harvest by aerial or long line logging systems. A total of 46,200 acres will be available for development with roads. (ELR Order No. 40382.)

Aquatic Weed Control, Apache National Forest, N. Mex., March 14: Proposed is an aquatic weed control program for five lakes on the Apache National Forest. Mechanical and chemical (Diquat) methods, individually and in combination, would be used. The overabundant aquatic vegetation is considered esthetically displeasing, and interferes with the effective and proper harvest of fishery resources. The statement indicates that there will be no significant impact to the physical or biological environment (55 pages). (ELR Order No. 40398.)

Timber Management, Deschutes National Forest, Oreg., several counties, March 11: The statement refers to a revision of the 10 year timber management plan (July 1, 1974 through June 30, 1983) for the Deschutes

National Forest. The recommended alternative for pine-associated species type has a biological potential yield of 1,882.0 MMBF. The potential yield for lodge-pole pine type is 282.0 MMBF, and the programmed harvest for mountain hemlock type is 28.0 MMBF. The management direction also provides a silvicultural prescription, reforestation plan, transportation development plan, timber sale schedule, and related measures. There will be impact upon air and water qualities, soil, wildlife, and beauty (184 pages). (ELR Order No. 40385.)

Laurel Fork, G. Washington, Monongahela National Forests, Virginia and West Virginia, March 11: The statement refers to proposed management directives for the Laurel Fork Planning Unit, George Washington and Monongahela National Forests. The Unit contains 14,752 acres of Forest land, with 8,310 acres proposed for Eastern Wilderness. Management directives will include timber sales and recreation development. Adverse effects will include the visual impact and soil disturbance from logging, and those resulting from increased recreational use (31 pages). (ELR Order No. 40381.)

Final

Skalkaho—Gird Unit, Bitterroot National Forest, Mont., Ravalli County, March 11: The proposed action is the implementation of a revised multiple use plan for the Skalkaho-Gird and Sleeping Child Planning Units of the Bitterroot National Forest. A total of 121,820 acres of National Forest land will be affected. The plan calls for unroaded management of 37,880 acres, roaded management of 83,940 acres, and timber harvesting. Impacts stemming from the project are: increased siltation and water pollution caused by logging and road construction; reduction of domestic livestock grazing on the unit; loss of or increased danger to fish and wildlife habitat (especially to deer and elk populations); and increased air pollution (83 pages). Comments made by: EPA, DOI, USDA, State and local agencies and concerned citizens. (ELR Order No. 40383.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Purvis Generating Plant Units 1 and 2, Mississippi, Lamar County, March 11: The statement refers to a request by the South Mississippi Electric Power Association for a loan guarantee and insured loan funds totaling \$165,000,000 in order to finance a new generating plant near Purvis. The plant will include two 207 MW (gross) steam generating units; coal fuel for the station will be mined in Bell, Clay, Harlan, and Leslie Counties, Kentucky; there will be 65 miles of new 161 kV transmission line. The station will release some oxides of sulfur and nitrogen, and particulate matter; coal mining operations will involve 5,600 acres of land during the life of the station (the area will be reclaimed as the mining operations proceed). Visual impact will occur (3 volumes). (ELR Order No. 40378.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 14, Beadle County, S. Dak., Beadle County, March 12: The statement refers to the reconstruction of an existing section of U.S. 14 by building a 4 lane divided highway on the present alignment. The project begins approximately 1 mile east of Huron and follows existing U.S. 14 easterly 3.5 miles to

the intersection of U.S. 14 and Bloomfield Road. Adverse impacts of the project include the use of 110 acres of land and the displacement of 6 families and 1 business (19 pages). (ELR Order No. 40394.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-7389 Filed 3-28-74; 8:45 am]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; (21 U.S.C. 346a(d) (1))), notice is given that a petition (PP 4F1459) has been filed by NOR-AM Agricultural Products, Inc., Woodstock, IL 60098, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sugar beets (roots and tops) at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residues are hydrolyzed to aniline, which is extracted and reacted with bromine to form 2,4,6-tribromoaniline. The latter is determined by gas chromatography using electron-capture detection.

Dated: March 20, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-7287 Filed 3-28-74; 8:45 am]

[OPP-32000/30]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before May 28, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c) (1) (D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and

the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 28, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 33484-E. Airwick Institutional, A Division of Airwick Industries, Inc., 380 North Street, Teterboro, New Jersey 07608. *Airwick Institutional Phenolic Detergent Disinfectant Concentrate*. Active Ingredients: o-phenylphenol 10.00 percent; o-benzyl-p-chlorophenol 7.50 percent; p-tertiary-amyphenol 2.00 percent; tetrasodium ethylene diamine tetraacetate 1.00 percent; sodium lauryl sulfate 0.51 percent; potassium ricinoleate 6.16 percent; sodium sulforicinoleate 3.27 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33484-G. Airwick Institutional, A Division of Airwick Industries, Inc.; 380 North Street, Teterboro, New Jersey 07608. *Airwick Institutional Heavy Duty Detergent Disinfectant*. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 3.000 percent; Tetrasodium ethylene diamine tetraacetate 0.143 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33484-R. Airwick Institutional, A Division of Airwick Industries, Inc., 380 North Street, Teterboro, New Jersey 07608. *Airwick Institutional Detergent Disinfectant*. Active Ingredients: n-alkyl (60 percent C14, 30 percent C16, 5 percent C18, 5 percent C12) dimethyl benzyl ammonium chlorides 2.5 percent; Sodium Carbonate Anhydrous 0.2 percent; Tetrasodium ethylene diamine tetraacetate 0.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11329-I. Aladdin Chemical Co., 6460 Zane Avenue North, Minneapolis, Minnesota 55429. *Super Clearon Granular Chlorine*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7124-GR. Alden Leeds, Inc., 55 Jacobus Avenue, South Kearny, New Jersey 07032. *Nuclo New Fire Resistant Concentrated Pool Chlorine*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7151-L. Alexander Chemicals, Div. North American Car Corp., 222 S. Riverside Plaza, Chicago, Illinois 60606. *Hypo High Potency Chlorine for Swimming Pools*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8029-U. Dorex Inc., 121 Ontario Street, P.O. Box 418, Frankfort, Illinois 60423. *Superior Products Beverage Glass Sanitizer No. 263*. Active Ingredients: Mono-sodium phosphate anhydrous 46.0 percent; Sodium dichloro-s-triazinetrione 14.1 percent; Trichloromelamine 9.2 percent; Sodium dodecylbenzene sulfonate 9.2 percent; Citric Acid, Anhydrous 7.7 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1677-44. Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minnesota 55102. *Soilax Pool Sanitizer Concentrated Chlorine for all Swimming Pools*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8544-RG. General Pool Supply, 8700 Bellanca Avenue, Los Angeles 90045. *Sani-clor Dry Concentrate Pool Chlorine*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 259-LR. Missouri-Kansas Chemical Company, 1708 Campbell, Kansas City, Missouri 64108. *Minto-Cide II Bactericide and Disinfectant*. Active Ingredients: Isopropanol 20.0 percent; Soap 5.5 percent; o-benzyl p-chlorophenol 4.5 percent; o-phenylphenol 4.0 percent; Methyl Salicylate 2.0 percent; Para-tertiary-amyphenol 1.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8591-EE. The Mogul Corporation, Chagrin Falls, Ohio 44022. *Mogul S-493 A Flame-Resistant, Concentrated Pool Chlorine*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8370-RU. Nyco Products Company, 3021 West 36th Street, Chicago, Illinois 60632. *Odorless-Sanitizer N-601*. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 266-GN. SwimChem Products, A Division of Hill Brothers Chemical Company, 15017 E. Clark Avenue, City of Industry, California 91745. *Hi-Chem New Fire Resistant Concentrated Pool Chlorine*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1729-RNA. Tesco Chemicals, P.O. Box 6433, Marietta, Georgia 30062. *Tes-Chloron New Fire Resistant Concentrated Pool Chlorine*. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 29443-E. Treat-Rite Water Laboratories, Inc., P.O. Box 226, Nowata, Oklahoma 74048. *Treat-Rite Best Value Bleach*. Active Ingredients: Sodium Hypochlorite 5.25 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1043-LE. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Concentrated Vestal Staphene Hospital Germicide*. Active Ingredients: Sodium o-benzyl-p-chlorophenolate 5.5 percent; sodium o-phenylphenate 5.2 percent; sodium p-tertiary amyphenate 5.1 percent; sodium 2,2'-methylenebis (3,4,6-trichlorophenolate)

0.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043-LG. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Environ-D Phenolic Disinfectant*. Active Ingredients: o-benzyl-p-chlorophenol 5.0 percent; o-phenylphenol 4.6 percent; p-tertiary amyphenol 4.5 percent; 2,2'-methylenebis (3,4,6-trichlorophenol) 0.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043-LU. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Eighty-Nine Germicidal Detergent*. Active Ingredients: Sodium o-phenylphenate 4.43 percent; sodium o-benzyl-p-chlorophenolate 3.66 percent; sodium p-tertiary amyphenate 0.89 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043-LL. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *T. B. Q. Germicidal Detergent*. Active Ingredients: Cocoamine ethoxylates (83 percent 1 mole; 17 percent 10 mole) 12 percent; Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 8 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043-LA. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Ves-Phene Germicidal Detergent*. Active Ingredients: Sodium o-phenylphenate 4.43 percent; sodium o-benzyl-p-chlorophenolate 3.66 percent; sodium p-tertiary amyphenate 0.89 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043-LT. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Concentrated Vestal 10 Hospital Disinfectant*. Active Ingredients: Sodium o-benzyl-p-chlorophenolate 5.5 percent; sodium o-phenylphenate 5.2 percent; sodium p-tertiary amyphenate 5.1 percent; sodium 2,2'-methylenebis (3,4,6-trichlorophenolate) 0.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043-LI. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Eight Hospital Germicidal Detergent*. Active Ingredients: Sodium o-phenylphenate 5.7 percent; sodium o-benzyl-p-chlorophenolate 4.7 percent; sodium p-tertiary amyphenol 1.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043-LO. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Ecolocide Germicidal Detergent*. Active Ingredients: Citric Acid 10 percent; Pelargonic Acid 8.0 percent; Glycolic Acid 7.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 15136-G. Wave Energy Systems Inc., Newtown Commons, Newtown, Pennsylvania 18940. *Agrocide Disinfecting or Sanitizing Solution*. Active Ingredients: Glutaraldehyde (1,5 Pentanedial) OHC (CH₂)₃ CHO 2 percent; Non ionic ethoxylates of isomeric linear alcohols (CH₃)₂ (CH₂)_n O(CH₂-CH₂) 12H 0.25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections and/or changes in the list of Applications Received previously published in the FEDERAL REGISTER of March 19, 1974 (39 FR 10321).

NOTICES

EPA File Symbol 148-RRAI. Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, Kansas 66106. *Roach and Ant Spray*. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500 percent; pyrethrins 0.052 percent; technical piperonyl butoxide (equivalent to .209 percent (butylcarbityl) (6-propylpiperonyl) ether and .052 percent other related compounds) 0.261 percent; petroleum distillate 98.400 percent. Correction: Originally published as Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500 percent; prethrins 0.052 percent. . . .

EPA File Symbol 635-ERI. Tide Products, Inc., P.O. Box 1020, Edinburg, Texas 78539. *Tide Expander*. Active Ingredients: O,O-dimethyl O-p-nitrophenyl thiophosphate 13.95

percent; toxaphene 55.80 percent. . . . Correction: Originally published as toyaphene 55.80 percent.

Dated: March 22, 1974.

JOHN R. FITCH, Jr.,
Director, Registration Division.

[FR Doc.74-7286 Filed 3-28-74;8:45 am]

PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Rescheduling

Notice is hereby given that the meeting of the President's Air Quality Ad-

visory Board scheduled for April 1 and 2, 1974, in the Administrator's Conference Room (11th Floor), 401 M Street SW., Washington, D.C. 20460 has been rescheduled for April 18 and 19.

For further information on the agenda or public participation please call Robert F. Powell, Executive Secretary, 755-6906.

ROGER STRELOW,
Acting Assistant Administrator
for Air and Water Programs.

[FR Doc.74-7415 Filed 3-28-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 2]

CANADIAN TELEVISION STATIONS

Supplementary Listing

MARCH 22, 1974.

Supplementary list of changes, additions, deletions and corrections as of March 1, 1974, to the list of Canadian Television Stations within 250 miles of the border issued by the Commission, dated April 1, 1973.

Call sign	Licensee	Location	Radiated power (kW)	ANTENNA			Offset
				Directivity	Above ground	Above MSL		Above terrain
CHANNEL 4 (66-72 MHz)							
CHFD-TV	Thunder Bay, Ontario, N. 48°31'30", W. 89°06'50"	56.00 V 10.00 A	Om.	707	2,307	1,202	(-).
CHANNEL 5 (76-82 MHz)							
CKX-TV	Brandon, Manitoba, N. 49°40'05", W. 100°00'40"	44.00 V 8.40 A	D.A.	1,332	2,882	1,363	(+).
CHANNEL 6 (82-88 MHz)							
CKGN-TV-6	Ottawa, Ontario, N. 45°31'05", W. 75°44'48"	2.80 V 0.40 A	D.A.	249	649	149	No.
CKGN-TV	Paris, Ontario, N. 43°15'39", W. 80°26'39"	100.00 V 15.00 A	Om.	1,000	2,024	1,037	(+).
CHANNEL 11 (198-204 MHz)							
CKSO-TV-3	Kearns, Ontario, N. 48°08'12", W. 79°33'12"	162.00 V 32.00 A	D.A.	445	1,795	724	No.
CHANNEL 13 (210-216 MHz)							
CBST	Sept Iles, Quebec, N. 50°08'40", W. 66°28'05"	8.40 V	D.A.	227	962	903	(+).
CBKHT	Keno Hill, Yukon Territory, N. 63°54'53", W. 135°23'50"	0.248 V 0.025 A	D.A.	105	4,705	1,590	No.
CHANNEL 22 (518-524 MHz)							
CKGN-TV-1	Cottam, Ontario, N. 42°08'00", W. 82°45'42"	218.00 V 33.00 A	Om.	398	1,048	396	(-).
CKGN-TV-22	Uxbridge, Ontario, N. 44°01'54", W. 79°08'13"	3,120.00 V 468.00 A	D.A.	472	1,577	598	(+).
CHANNEL 55 (716-722 MHz)							
CBVT-4	Lac Etchemin, Quebec, N. 46°24'42", W. 70°35'37"	0.40 V 0.08 A	D.A.	120	2,160	800	(+).

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief Broadcast Bureau.

[FR Doc.74-7180 Filed 3-28-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 171]

GENERAL OHIO S&L CORP.

Notice of Receipt of Application for Permission To Acquire Control of Union Savings and Loan Co.

MARCH 25, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the General Ohio S&L Corporation, Findlay, Ohio, a multiple savings and loan hold-

ing company, for approval of acquisition of control of the Union Savings and Loan Company, St. Marys, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by a purchase for cash of the stock of the Union Savings and Loan Company. Following the proposed acquisition it is proposed that the Union Savings and Loan Company be merged into The Mutual Savings and

Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before April 29, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74-7292 Filed 3-28-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8664]

ALABAMA POWER CO.

Notice of Filing of Initial Rate Schedule

MARCH 22, 1974.

Take notice that on March 15, 1974, Alabama Power Company (Alabama) tendered for filing an Agreement with Baldwin County Electric Membership Corporation intended as an initial rate schedule. Alabama states that it is unable to estimate the amount of revenues involved under this contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7305 Filed 3-28-74;8:45 am]

[Docket No. E-8665]

ALABAMA POWER CO.

Notice of Filing of Initial Rate Schedule

MARCH 22, 1974.

Take notice that on March 15, 1974, Alabama Power Company (Alabama) tendered for filing an Agreement with the Utilities Board of the City of Sylacauga intended as an initial rate schedule. Alabama states that it is unable to estimate the amount of revenue involved under the contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7306 Filed 3-28-74;8:45 am]

[Docket No. CI73-784]

BLAKE HAMMAN

Order Providing for Hearing, Granting Intervention, and Prescribing Procedures

MARCH 25, 1974.

On May 16, 1973, Blake Hamman (Hamman) filed an Application for Abandonment and Cancellation of FPC jurisdiction involving a gas well in the Campsey Area in Jack County, Texas. Sales from this well have been made to Natural Gas Pipe Line Company of America (Natural), pursuant to a contract dated August 10, 1971, containing a 20-year sale term. Hamman requests abandonment of the sale from the instant acreage because of a current lack of production therefrom. For this reason, Hamman decided to cancel the above contract with Natural on May 1, 1973, and to file the instant application.

On January 24, 1974, Natural filed a late petition to intervene in opposition to Hamman's application alleging sufficient interest in the proceeding as the buyer of gas from the well in question. Because Natural's participation in this proceeding may be in the public interest we will grant their intervention since no other party can adequately represent their interest.

The application and petition to intervene raise factual and legal questions which should be resolved in an evidentiary proceeding.

The Commission finds. (1) Good cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as herein-after ordered.

(2) The participation of Natural may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing May 14, 1974, at 10:00 a.m. (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the propriety of permitting the proposed abandonment requested by the application herein of May 16, 1973.

(B) On or before April 30, 1974, applicant shall file and serve its testimony and exhibits comprising its case-in-chief in support of its application upon all parties to this proceeding including Commission Staff.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, [see Delegation of Authority (18 CFR 3.5 (d))], shall preside at the hearing and shall prescribe relevant procedural matters not herein provided.

(D) The petitioner hereinabove set forth is permitted to intervene in those proceedings subject to the rules and regulations of the Commission; Provided,

however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, Provided, further, that the admission of said intervenor shall not be construed as recognition by Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7314 Filed 3-28-74;8:45]

[Docket No. CP74-186]

CITIES SERVICE GAS CO.

Order Granting Interventions, Setting Hearing Date and Prescribing Procedures

MARCH 25, 1974.

On January 14, 1974, Cities Service Gas Company (Cities) filed in Docket No. CP74-186 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and service on its transmission system in Montgomery County, Kansas.

More specifically, Cities proposes to (1) abandon by reclaiming measuring and regulating facilities and approximately 4.6 miles of its so-called State Line 16-inch pipeline, and (2) abandon by reclaiming measuring and regulating facilities and approximately 12.69 miles of 18-inch pipeline in its Cotton Valley-Grabham 18-inch pipeline. Cities also requests authorization to discontinue gas deliveries and sales to Union Gas System, Inc. (Union) for resale to fifteen rural domestic consumers along the State Line pipeline facilities proposed to be abandoned and to one direct sale customer. The service to the rural consumers originated through provisions of right of way agreements between Cities and the landowners. Cities states that Union will file an appropriate application with the State Corporation Commission of Kansas for authority to discontinue service to such customers if the application is approved. Cities proposes, if the application is granted, to reimburse the rural domestic customers for the costs of converting to alternate fuel since it appears no alternate natural gas service appears to be available. A like payment would be made, if the application were granted, to the direct sale customer to assist its conversion to an alternate fuel.

Cities states, as reasons for the abandonment as proposed, that it is presently experiencing excessive leakage and losses on the State Line and Cotton Valley-Grabham pipelines and, that due to their age and deteriorated condition, such pipelines are no longer economical to operate or maintain and are operationally obsolete. Cities further states that, due to the relocation of certain facilities, the capacity of such pipelines proposed to be abandoned herein is no

longer needed to meet its transmission system demands.

On February 15, 1974, the State Corporation Commission of the State of Kansas (Kansas) filed a timely petition to intervene and has requested that a formal hearing be granted. On February 25, 1974, Union filed an untimely petition to intervene in the proceeding. Union states that if the application by Cities were approved it would be required to obtain authority from the State Corporation Commission of Kansas to abandon the service to the fifteen rural domestic consumers affected and is unable to state whether such authority would be granted.

We shall set this matter for formal hearing to determine whether the present or future public convenience and necessity requires abandonment of both service and facilities as requested by Cities.

The Commission finds. (1) The Intervention of Kansas and Union in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders. (A) Kansas and Union are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene, and provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act (particularly sections 4, 5, and 15 thereof), and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on April 30, 1974 (e.d.t.) concerning the issue of whether the present or future public convenience and necessity permit such abandonment.

(C) On or before April 15, 1974, Cities, Kansas and Union shall file with the Commission and serve upon all parties, including Commission Staff, their direct testimony and exhibits in support of their respective positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and pro-

cedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7312 Filed 3-28-74;8:45 am]

[Dockets Nos. E-8661 and E-8662]

**CONNECTICUT LIGHT AND POWER CO.,
ET AL.**

Notice of Termination of Contracts

MARCH 22, 1974.

Take notice that on March 13 and 14, 1974, Connecticut Light and Power Company (CL&P), Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) tendered for filing two notices of Termination of Rate Schedules. The March 13, 1974 filing relates to a Transmission Agreement, dated November 1, 1971, between CL&P, HELCO, WMECO, and the Vermont Electric Power Company, Inc. The March 14, 1974 filing relates to a Transmission Agreement, dated November 1, 1971, and an Extension and Amendment of that agreement, dated April 1, 1972, between CL&P, HELCO, WMECO and the Bangor Hydro-Electric Company.

CL&P, HELCO and WMECO allege that the filing is in accordance with Part 35 of the Commission's regulations. They further assert that both contracts terminated according to their terms.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7311 Filed 3-28-74;8:45 am]

[Docket No. E-8659]

KANSAS GAS AND ELECTRIC CO.

Notice of Change in Rate Schedule

MARCH 25, 1974.

Take notice that Kansas Gas and Electric Company (Kansas) on March 5, 1974, tendered for filing Service Schedule E, Capacity Participation Service, dated February 20, 1974, Supplementing the Power Interchange Agreement between Kansas and Missouri Public Service Company (Missouri). Kansas proposes an effective date of February 20, 1974 for Service Schedule E.

Kansas states Service Schedule E provides for the sale of 30 MV of capacity by Kansas to Missouri during the twelve month period beginning June 1, 1974. According to Kansas, Service Schedule E is an initial filing which has the following rate: \$1.50 per Kw for each Kw of capacity available, and 4.5 mills per Kwh, or cost of production plus 10 percent, whichever is higher, for energy actually delivered.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7307 Filed 3-28-74;8:45 am]

[Docket No. E-8494]

MINNESOTA POWER & LIGHT CO.

Notice of Extension of Time

MARCH 25, 1974.

On March 20, 1974, Minnesota Power & Light Company (MP&L) filed a motion for an extension of time to and including April 1, 1974, within which to answer the motion for rejection filed by the Village of Hibbing, City of Two Harbors and City of Virginia (Cities) on March 8, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including April 1, 1974, within which MP&L may file an answer to the motion filed by Cities on March 8, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7303 Filed 3-28-74;8:45 am]

[Docket No. E-8595]

MISSOURI POWER AND LIGHT CO.

Notice of Cancellation of Filing

MARCH 22, 1974.

Take notice that on February 28, 1974, Missouri Power and Light Company (Company) filed a letter cancelling the Company's filing (in which a deficiency letter was sent out on February 14, 1974) of an Electric Service Agreement made on January 24, 1974. Company states that due to a substantial increase in wholesale power costs the proposed wholesale power contract with the City of Centralia, Missouri, may need to be renegotiated and therefore a new filing will be made in the near future.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7304 Filed 3-28-74;8:45 am]

[Docket No. E-8578]

PUBLIC SERVICE CO. OF OKLAHOMA
Notice of Withdrawal of Cancellation of
Rate Schedule

MARCH 22, 1974.

Take notice that on February 28, 1974, Public Service Company of Oklahoma (Company) filed a withdrawal of its notice of cancellation of Supplement No. 9 to Rate Schedule FPC No. 180. Company states that it has been notified that Associated Electric Cooperative, Inc., wishes to extend this purchase agreement to May 31, 1974, and therefore filing of an Extension Agreement will be made in the near future.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7308 Filed 3-28-74;8:45 am]

[Docket Nos. RP71-29 and RP71-120]

UNITED GAS PIPE LINE CO.
Notice of Further Extension of Time and
Postponement of Hearing

MARCH 22, 1974.

On March 21, 1974, Mississippi River Transmission Corporation filed a motion for a further extension of the procedural dates fixed by notice issued March 6, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of simultaneous rebuttal testimony by all parties, April 3, 1974.
Commencement of hearing, April 23, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7309 Filed 3-28-74;8:45 am]

[Project No. 1744]

UTAH POWER & LIGHT CO.

Order Granting Request To File Late and
Setting Time Period for Filing

MARCH 22, 1974.

Bountiful (Utah) City Light and Power, a municipality under section 3(7) of the Federal Power Act (16 U.S.C. 791a-825r), petitioned the Commission on February 15, 1974, for leave to file a major license application in the pending relicensing proceeding for Utah Power and Light Company's (UP&L) constructed Project No. 1744.

UP&L held the original license, 5 F.P.C. 865, modified, 6 F.P.C. 783, which expired June 30, 1970. Since that time the project has been operated under annual license.

After the original filing and several supplements thereto, public notice of application by UP&L for new license for Project No. 1744 was published in the FEDERAL REGISTER, July 29, 1972, 37 FR 15344 (1972), and Bountiful's Davis County Clipper, August 11, 1972. According to the Commission's rules and regulations, 18 CFR 16.3(b), Bountiful should have filed the instant request no later than January 1, 1968, unless later filing was authorized by the Commission.

In conjunction with 18 CFR 16.3(c), we herein grant Bountiful's request to file late, subject to the requirement that its application be filed no later than 120 days after the issuance date of this order. We consider it in the public interest to allow this municipality to present its case in the relicensing proceeding. Bountiful's delay in filing its request appears to have been in good faith, and same should not be denied.

The Commission finds. Good cause exists and the public interest may be served by granting the request of Bountiful City Lights and Power to file late a major license application for Project No. 1744.

The Commission orders. (A) Bountiful City Light and Power's request to file late a new license application for Project No. 1744 is hereby granted.

(B) Said license application must be filed no later than 120 days after the issuance date of this order.

By the Commission.
[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7313 Filed 3-28-74;8:45 am]

**NATIONAL POWER SURVEY TECHNICAL
ADVISORY COMMITTEE ON CONSERVA-
TION OF ENERGY**

Order Designating an Additional Member
MARCH 25, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. *Membership.* An additional member of the Technical Advisory Committee on Conservation of Energy, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Paul C. Greiner, Vice President, Electric Energy Association.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7316 Filed 3-28-74;8:45 am]

**NATIONAL POWER SURVEY TECHNICAL
ADVISORY COMMITTEE ON CONSERVA-
TION OF ENERGY**

Order Designating an Additional Member
MARCH 25, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Conservation of Energy.

2. *Membership.* An additional member to the Technical Advisory Committee on Conservation of Energy, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Roderick R. Kirkwood, President, American Society of Heating, Refrigerating, and Air-Conditioning Engineers.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7317 Filed 3-28-74;8:45 am]

**NATIONAL POWER SURVEY TECHNICAL
ADVISORY COMMITTEE ON THE IM-
PACT OF INADEQUATE ELECTRIC
POWER SUPPLY**

Order Designating an Additional Member
MARCH 25, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. *Membership.* An additional member of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. W. P. Schmechel, Vice President and General Manager, Western Energy Company.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7315 Filed 3-28-74;8:45 am]

[Docket Nos. RI74-182, etc.]

SHELL OIL CO., ET AL

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

MARCH 22, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

¹ Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended

Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] **KENNETH F. PLUMB,**
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.		
									Rate in effect	Proposed increased rate			
RI74-182..	Shell Oil Co.....	343	6	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex. Permian Basin).	\$29,740	3-1-74	4-1-74	(C)	-----	-----	-----		
			7									22.12	33.76
			8									33.76	36.135
RI74-183..	The Superior Oil Co.....	138	9	Transwestern Pipeline Co. (Bell Lake Unit, Lea County, N. Mex. Permian Basin).	325	3-1-74	-----	9-1-74	22.86	23.6343	-----		
RI74-184..	Atlantic Richfield.....	451	4	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex. Permian Basin).	43,011	3-1-74	4-1-74	(C)	-----	-----	-----		
			9									-----	-----
RI74-185..	Mobil Oil Corp.....	17	32	Northern Natural Gas Co. (Eunice Area, Lea County, N. Mex. Permian Basin).	620,487	2-1-74	3-4-74	(C)	9-1-74	17.852	36.0		
			33									-----	-----	9-7-74	35.0	55.0

* Unless otherwise stated, the pressure base is 14.65 lb/in².
¹ Accepted effective as of the date set forth in the "Effective Date Unless Suspended" column.
² Amendatory agreement dated Oct. 5, 1973.
³ Applicable only to production from the Price Estate No. 1 well.
⁴ Amendatory agreement.

⁵ Applicable only to sales made pursuant to Supplement No. 8.
⁶ Subject to Btu adjustment.
⁷ Interim agreement dated Jan. 15, 1974 extending term of expired contract until Mar. 31, 1974.
⁸ Unilateral increase.

The proposed increased rates which exceed the applicable area just and reasonable ceiling prescribed in Opinion No. 662 are suspended for five months. Mobil requests waiver of the 30 day statutory notice period and a suspension period of only one day for its proposed increased rate. Good cause has not been shown for granting such request, and the request is denied.

By the Commission.
 [FR Doc.74-7193 Filed 3-28-74;8:45 am]

**FEDERAL RESERVE SYSTEM
 CHEMUNG CANAL TRUST CO.**

Order Approving Application for Merger of Banks

Chemung Canal Trust Company, Elmira, New York ("Elmira Bank"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Montour National Bank in Montour Falls, Montour Falls, New York ("Montour Bank") under the charter and title of Elmira Bank. As an incident to the merger, the present office of Montour Bank would become a branch of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board had requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Elmira Bank (\$82 million deposits) controls less than 1 per cent of the deposits of commercial banks in the State of New York and 23.2 percent of deposits in the Elmira-Corning banking market¹ as the second largest of nine banking organizations competing in that market. (All banking data are as of June 30, 1973.)

Montour Bank (\$7 million deposits) is also located in the Elmira-Corning banking market and controls 2.2 percent of the total deposits therein as the market's eighth largest bank.

Approval of the transaction would result in the merged institution controlling 25.4 percent of market deposits.

¹ The relevant banking market is comprised of Schuyler and Chemung Counties and the southern quarter of Steuben County.

However, the largest banking organization in the Elmira-Corning market, Marine Midland Banks, Inc., controls 37 percent of total market deposits, representing the largest share of such deposits. Other large organizations represented in the market are Charter New York Corporation and Lincoln First Banks. Whereas this proposal represents a slight increase in the concentration of deposits in the area, it appears that deconcentration of the area's deposits through acquisition of Montour Bank by an organization outside the market is not a likely possibility in view of the market's poor economic prospects. In commenting on the proposed transaction, the Department of Justice concluded that it would "not have a substantial competitive impact" inasmuch as it did "not appear that concentration would be substantially increased in any relevant banking market."

The closest banking office of Elmira Bank to Montour Bank's office is 14 miles away, and the areas served by each are neither contiguous nor overlapping. There is no significant existing competition between the offices of the two banks and although each of the banks could branch into the other's service area, it is unlikely that such competition would

arise in view of Montour Bank's limited resources and the poor economic conditions of the area. Accordingly, the Board concludes that consummation of the proposed merger would not have any significantly adverse effect on either existing or future competition in the relevant area.

The financial and managerial resources of Elmira Bank and Montour Bank are satisfactory, and the prospects for the resulting bank are favorable. Consequently, banking factors are consistent with approval of the application. Consummation of the proposed merger would improve the present banking services available to customers of Montour Bank by increasing lending capabilities and by offering new services which would include credit cards, fiduciary services and investment counseling. Considerations relating to the convenience and needs of the area to be served lend weight toward approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,* effective March 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7243 Filed 3-28-74; 8:45 am]

DOMINION BANKSHARES CORP.

Order Approving Acquisition of Bank

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

Dominion Bankshares Corporation, Roanoke, Virginia (Applicant), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1842), has applied for prior approval under section 3(a)(3) of the Act to acquire 100 percent of the voting shares of the successor by merger to Merchants and Farmers Bank, Portsmouth, Virginia (Merchants), a State member bank.

The bank into which Merchants is to be merged has no significance except as a means of acquiring the voting shares of Merchants. Accordingly, the proposed acquisition of the successor organization is treated herein as a proposed acquisition of the shares of Merchants. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve

* Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

Bank) under authority delegated by the Board of Governors (12 CFR Part 265). Notice of the receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls eight banking subsidiaries operating 72 offices with aggregate deposits of approximately \$840 million, representing 7.4 percent of the total commercial bank deposits in Virginia as of June 30, 1973. In terms of deposits, it is the State's fifth largest banking organization. Acquisition of Merchants (deposits of approximately \$44.6 million as of June 30, 1973), would increase Applicant's share of deposits in Virginia by approximately 4 percent which would not represent a significant increase in the concentration of banking resources in the State.

Merchants operates five offices including its head office and two branches in the City of Portsmouth and two branches in the City of Chesapeake. The primary service areas of these offices are contiguous and encompass virtually all of Portsmouth and that part of Chesapeake along its southwestern boundary. The relevant market area for Merchants consists of the Norfolk-Virginia Beach-Portsmouth SMSA which is approximated by the Cities of Norfolk, Chesapeake, Portsmouth, Virginia Beach, Virginia, and Currituck County, North Carolina. Thirteen separate banking organizations operate within this area including one of the Applicant's present banking subsidiaries, First National Bank of Norfolk. This bank has seven offices in Norfolk and Virginia Beach and one in the eastern section of Chesapeake. There is, however, no significant overlap in the service area of these offices with the service area of Merchants. The largest bank in the relevant market area is a subsidiary of the State's second largest banking organization and controls 42.1 percent of the area deposits. The next five largest banks are subsidiaries of the first, eighth, fourth, sixth and third largest bank holding companies in Virginia, respectively. Merchants ranks seventh in the market with 4.0 percent of deposits while First National Bank of Norfolk, with a 3.3 percent of deposits, ranks ninth. Applicant's acquisition of Merchants would reduce the number of separate banking organizations in the market by one and result in the Applicant's becoming fourth in the market, controlling 7.3 percent of total deposits in commercial banks in the market. In view of the factors cited above, it is concluded that the consummation of the proposal would not eliminate any significant existing competition between Merchants and First National Bank of Norfolk, nor would it give Applicant a dominant position in the market. Consummation of the proposal would not have any significant adverse effect on future

competition or the development of future competition between Merchants and First National Bank of Norfolk, particularly in view of the large number of banking organizations already competing in the market. Accordingly, this Bank is of the view that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Merchants are generally satisfactory and the future prospects appear favorable. The future of Merchants would be particularly enhanced through affiliation with Applicant since it faces keen competition from a number of much larger banking organizations in the area. Although there is nothing in the record to indicate that the banking needs of the area are not presently being served, Merchants' affiliation with Applicant would give Merchants access to Applicant's financial resources and expertise and would enable Merchants to increase its loan limit and provide its customers with services not presently offered by Merchants. Considerations relating to convenience and needs of the area lend some weight toward approval of the application. It is the Reserve Bank's judgment, therefore, that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 19, 1974.

[SEAL] WELFORD S. FARMER,
Senior Vice President and
Special Legal Adviser.

[FR Doc.74-7245 Filed 3-28-74; 8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Meyerland Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank, to be received not later than April 19, 1974.

Board of Governors of the Federal Reserve System, March 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7247 Filed 3-28-74;8:45 am]

MANUFACTURERS NATIONAL CORP.

Order Approving Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Saline Savings Bank, Saline, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks¹ with aggregate deposits of approximately \$2.2 billion, representing 8.4 percent of the total deposits in commercial banks in the State, and is the fourth largest banking organization in Michigan.² The acquisition of Bank (deposits of \$13.4 million) would increase Applicant's share of the total commercial bank deposits in the State by less than 0.1 percent, and would not result in a significant increase in the concentration of banking resources in Michigan.

Bank is the ninth largest of ten banks in the Washtenaw County banking market, which is approximated by the Ann Arbor SMSA, and controls only 2.4 percent of deposits in that market. Although Applicant is not presently represented in the market, Applicant's lead Bank, Manufacturers National Bank of Detroit ("MNB"), the fourth largest bank in the adjacent Detroit banking market,³ has six branches located within 25 miles of Bank, the closest branch being about 21

miles from Bank. Due to the proximity of Bank to MNB in the adjacent market, each bank does draw a small amount of deposits from the service area of the other, and consequently some small amount of existing and potential competition would be eliminated by consummation of the proposal. While it appears that Applicant has the resources to enter the market de novo, such entry appears unlikely in view of the fact that the area served by Bank has experienced below average population growth and has a below average population per banking office when such figures are compared to the respective State averages. Accordingly, on the basis of these and other facts of record, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area.

The financial and managerial resources, and future prospects of Applicant and its subsidiaries are regarded as satisfactory. The same general conclusion is applicable with respect to the financial and managerial resources of Bank. Thus, considerations relating to the banking factors are consistent with approval of the application. Applicant proposes to expand and improve the range of services offered by Bank in such areas as increasing agricultural loans and providing conventional residential mortgage loans for longer maturities with reduced down-payment requirements. Applicant has also indicated that interest rates paid by Bank on savings accounts would be raised to the maximum rates allowed by Regulation Q. Considerations related to the convenience and needs of the community to be served, therefore, lend weight to the approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,⁴ effective March 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7246 Filed 3-28-74;8:45 am]

PORTSMOUTH BANK

Order Approving Application for Merger of Banks

Before the Federal Reserve Bank of Richmond acting under delegated au-

⁴Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

thority from the Board of Governors of the Federal Reserve System.

Portsmouth Bank, Portsmouth, Virginia (Portsmouth), an organizing State bank which has applied for membership in the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with Merchants and Farmers Bank (Merchants), Portsmouth, Virginia, a State member bank of the Federal Reserve System, the resulting bank to operate under the charter of Portsmouth and with the name of Merchants and Farmers Bank. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors of the Federal Reserve System (12 CFR Part 265).

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency and the Federal Deposit Insurance Corporation. The Reserve Bank has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record in this case, the application is approved for the reasons summarized in the Reserve Bank's Order of this date relating to the application of Dominion Bankshares Corporation to acquire the successor by merger to Merchants and Farmers Bank. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this order, or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 19, 1974.

[SEAL] WELFORD S. FARMER,
Senior Vice President and
Special Legal Adviser.

[FR Doc.74-7253 Filed 3-28-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts VISUAL ARTS 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 Visual Arts Photography Exhibition Aid Advisory Panel to the National Council on the Arts will be held at 11:00 a.m. on April 1, 1974 in Room 1200 of the Shoreham Building, 806 15th Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and

¹One of Applicant's subsidiary banks is a recently acquired de novo bank located in Livonia, Michigan. Applicant received approval of that acquisition from the Reserve Bank of Chicago, acting under delegated authority, on November 21, 1973, and the bank opened for business on January 2, 1974.

²All banking data are as of June 30, 1973, and reflect bank holding company formations and organizations approved by the Board through February 28, 1974.

³Approximated by Wayne, Oakland and Macomb Counties in Detroit.

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) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-7337 Filed 3-28-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS INTENDED FOR USE IN COLLECTING INFORMATION

Notice of List

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 26, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census, Franchising in the Economy, 1973-1975, Form DIB-910, Annual, Sunderhauf, Franchisors.
Refined Copper Shipments, Form DIB-973, Monthly, Lowry, Shippers of Refined Copper.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Request for Subscriber Interest Data, Form OS-NIH-OD-3, Annual, Caywood, Science Editors and Writers.

Office of Education, Upward Bound Study Data Collection Instruments, Form OE-351, -1 through -12, Single Time, HRD/Planchon, Students, principals, counselors, teachers, etc.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Report on ESEA Title I Comparability Requirements—Pub. L. 89-10, as amended by Pub. L. 91-230, Form OE-4524, Annual, Planchon, Local Educational Agencies

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Joint Program for the Study of Abortion/CDC Form CDC 4.316, Occasional, Evinger(x), Medical Care Facilities

DEPARTMENT OF LABOR

Employment Standards Administration, Application for Industrial Homework Handbooks, Form WH-77, Occasional, Evinger(x), Individual Employers

DEPARTMENT OF STATE

Application for Employment in the Foreign Service of the United States, Form DSF-33, Occasional, Evinger(x), Job Applicants

PHILLIP D. LARSEN,
Budget & Management Officer.

[FR Doc.74-7386 Filed 3-28-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 475]

ASSIGNMENT OF HEARINGS

MARCH 26, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-8242, General Leaseways, Inc., Burk Distributing Co., Inc., Levi Distributing, Inc., Keith V. Knight, Dba Knight Distributing Co., and Joseph G. Bowers—Investigation of Operations, now assigned May 1, 1974, at Des Moines, Iowa, will be held in Room B, 7th Floor, Valley Bank Bldg., 4th and Walnut Street.

MC-134958 Sub 6, Hams Express, Inc., now assigned April 30, 1974, will be held in Room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-F-11915, Nussbaum Trucking, Inc.—Investigation of Control—Zone Motor Freight Inc., now assigned April 29, 1974 will be held in room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-136553 Sub 21, Art Pape Transfer, Inc., now assigned May 2, 1974, will be held in Room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-92692 Sub 6, Freeport Fast Freight, Inc., now assigned May 6, 1974, will be held in Room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC 116073 Sub-31, Barrett Mobile Home Transport, Inc., Extension—Buildings (13 Western States); MC 116073 Sub-35, Barrett Mobile Home Transport, Inc., Extension—Buildings (Arizona), and MC 116073 Sub-85, Barrett Mobile Home Transport, Inc., Extension—Idaho (Moorhead, Minn.), now assigned April 29, 1974 at Phoenix, Arizona, will be held in Room 1, Arizona Corporation Commission, 1688 W. Adams Street; now assigned May 2, 1974 at Las Vegas, Nevada, will be held in Room 213 Tax Court, Federal Bldg. & Post Office, 301 Stewart Street; now assigned May 6, 1974 at Los Angeles, Calif., will be held in Courtroom 517, U.S. Courthouse, 312 N. Spring Street; now assigned May 9, 1974 at Seattle, Washington, will be held in Room 1057, Federal Office Bldg., 909 First Avenue; now assigned May 13, 1974 at Spokane, Washington, will be held in Room 695, U.S. Courthouse, W. 920 Riverside; now assigned May 15, 1974, at Boise, Idaho, will be held in Room 595, Federal Building & U.S. Courthouse, 550 W. Fort Street.

No. 35265, Anglo-Canadian Pulp and Paper Mills, Ltd., Aberdeen V. And Rockfish Railroad Company, et al., is continued to May 21, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2253 Sub 65, Carolina Freight Carriers Corp., now assigned May 20, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St., NW.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7329 Filed 3-28-74;8:45 am]

[AB-19 (Sub-No. 8)]

BALTIMORE & OHIO RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO. IN PENNSYLVANIA

Abandonment of Certain Railroad Lines

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Allegheny County, Fla., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of

the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-19 (Sub-No. 8)]

BALTIMORE & OHIO RAILROAD COMPANY AND BALTIMORE AND OHIO RAILROAD COMPANY IN PENNSYLVANIA ABANDONMENT PORT FERRY BRANCH BETWEEN BESSEMER AND BESSEMER JUNCTION, ALLEGHENY COUNTY, PA.

The Interstate Commerce Commission hereby gives notice that by order dated March 21, 1974, it has been determined that the proposed abandonment of the line of The Baltimore and Ohio Railroad Company and The Baltimore and Ohio Railroad Company in Pennsylvania, between Bessemer and Bessemer Junction, Allegheny County, Pa., a distance of approximately 0.48 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no traffic has been moved over this line in over 2 years, that the involved traffic still moves by railroad but traverses an interchange point at Millvale, Pa., rather than Bessemer Junction, and that there has been no objection raised (environmental or otherwise) to this abandonment. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 15, 1974.

[FR Doc.74-7326 Filed 3-28-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 26, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 15, 1974.

FSA No. 42820—Iron or Steel Scrap to Monongahela, Pennsylvania. Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3042), for and on behalf of the Penn Central Trans-

portation Company (George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees). Rates on scrap iron or steel, in carloads, as described in the application, from Cincinnati, Ohio, to Monongahela, Pa.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 112 to Traffic Executive Association-Eastern Railroads, Agent, tariff 789, I.C.C. No. C-689. Rates are published to become effective on April 25, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7334 Filed 3-28-74;8:45 am]

[Notice 51]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 18, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75035. By order entered March 25, 1974, the Motor Carrier Board approved the transfer to A & A Transport, Inc., of Lisbon, Conn., of that portion of the operating rights set forth in Certificate of Registration No. MC-99227 (Sub-No. 1), issued October 28, 1964, to Laurel Van Lines, Inc., Norwich, Conn., evidencing a right to engage in operations in interstate or foreign commerce in the transportation of general commodities (other than household goods and office furniture and equipment and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment), within Connecticut, between all points, upon call received at headquarters in Norwich. William J. Meuser, 86 Cherry St., Milford, Conn. 06460 and Paul J. Goldstein, 109 Church St., New Haven, Conn., attorneys for transferee and transferor, respectively.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7330 Filed 3-28-74;8:45 am]

[MC-730 (Sub-No. 342)]

PACIFIC INTERMOUNTAIN EXPRESS CO.

Extension—Alternate Routes

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 15th day of March, 1974.

It appearing, that by application filed November 13, 1972, Pacific Intermountain Express Co., a corporation, of Oakland, Calif., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities and between the points in the manner indicated in Appendix A;

It further appearing, that the Operating Rights Board, by order of September 13, 1973, granted applicant authority as indicated in Appendix B, and directed that notice of the authority actually granted be published in the FEDERAL REGISTER;

It further appearing, that on October 17, 1973, notice of the authority granted was published in the FEDERAL REGISTER to allow any proper party in interest to file an appropriate petition for leave to intervene in the proceeding; that on October 18, 1973, Werner Continental, Inc., a motor common carrier, filed a petition for leave to intervene and tendered verified statements in support of its position; that on November 23, 1973, applicant timely filed a petition for reconsideration embracing a reply to Werner's petition for leave to intervene; that Werner filed a reply to applicant's petition for reconsideration on December 14, 1973; and that by letter received January 8, 1974, Werner withdrew its opposition to the application; and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration on the present record.

It further appearing, that the evidence of record, when considered in light of applicant's petition, shows the Operating Rights Board's statement of facts and its ultimate conclusion concerning the proposed routes in parts (1) and (3) of the application to be substantially correct; that as to the proposed routes in part (2) of the application the evidence of record fails to show that applicant now holds authority to serve Danville, Ill., which is merely identified as an intermediate nonservice point on another alternate route; that consequently alternate route authority from and to that point cannot properly be granted herein; and that in the circumstances, alternate route authority from Indianapolis through Danville to St. Paul should be granted;

It further appearing, that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of notice of the grant of authority in part (2)

herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced;

It further appearing, that inasmuch as the grant of authority described in this order duplicates to a certain extent existing authority held by applicant and applicant's commonly controlled affiliate, Ryder Truck Lines, Inc., in No. MC-2900 and sub-numbers thereunder, the grant of authority herein shall contain an appropriate nonseverability clause; and good cause appearing therefor:

It is further ordered, That the order entered in this proceeding on September 13, 1973, to the extent inconsistent herewith, be, and it is hereby, vacated and set aside.

We find on reconsideration, That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle over regular routes, of the commodities and between the points indicated in Appendix C; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate certificate should be issued, subject to publication in the FEDERAL REGISTER as stated above; and that the application in all other respects should be denied.

It is further ordered, That said application and said petition, except to the extent granted herein, be, and they are hereby, denied.

It is further ordered, That the grant of authority in this order shall not be severable, by sale or otherwise, from applicant's existing authority or from the authority held by applicant's commonly controlled affiliate, Ryder Truck Lines, Inc., in No. MC-2900 and sub-numbers thereunder.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, and subject to prior publication in the FEDERAL REGISTER of notice of the authority actually granted, an appropriate certificate will be issued.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be author-

ized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

It is further ordered, That notice of the authority granted herein be published in the FEDERAL REGISTER.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Authority Sought. Operation as a common carrier by motor vehicle, over regular routes, of general commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Louisville, Ky., and St. Paul, Minn.: from Louisville over Interstate Highway 65 (also U.S. Highway 31) to Indianapolis, Ind., thence over Interstate Highway 65 (also U.S. Highway 52) to junction U.S. Highway 41, thence over U.S. Highway 41) to Chicago, Ill., thence over Interstate Highway 90 (also U.S. Highway 12) to Madison, Wis., thence over Interstate Highway 94 (also U.S. Highway 12) to St. Paul, and return over the same route. Applicant requests joinder of routes at junction Interstate Highway 65 and Interstate Highway 70; at junction Interstate Highway 65 and Interstate Highway 90; and at junction Interstate Highway 90 and U.S. Highway 18. (2) Between Danville, Ill., and St. Paul, Minn.: from Danville over Illinois Highway 1 to Chicago, Ill., (also from Danville over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., thence over Interstate Highway 57 to Chicago), thence from Chicago to St. Paul as specified in Route (1) above, and return over the same routes. Applicant requests joinder of routes at Danville, Ill., at junction Illinois Highway 1 and U.S. Highway 20; and at junction Interstate Highway 57 and Interstate Highway 80. (3) Between Danville, Ill., and St. Paul, Minn.: from Danville over Interstate Highway 74 (also U.S. Highway 150) to Bloomington, Ill., thence over U.S. Highway 51 to Interstate 90 at or near South Beloit, Ill., thence over Interstate Highway 90 (also U.S. Highway 51) to Madison, Wis., thence from Chicago to St. Paul as specified in Route (1) above, and return over the same route. Applicant requests joinder of routes at junction Interstate Highway 74 and Interstate Highway 55; the junction of U.S. Highway 51 and U.S. Highway 30; the junction of U.S. Highway 51 and Illinois Highway 38 (formerly U.S. Highway 30 Alternate); the junction of U.S. Highway 51 and Interstate Highway 90; and at the junction of U.S. Highway 51 and U.S. Highway 12. (4) Between Chicago, Ill., and St. Paul, Minn.: from Chicago over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route. The operations in (1), (2), (3), and (4) above are as alternate routes for operating convenience only, serving no intermediate points. RESTRICTION: Operations over Route (4) above is restricted against the transportation of traffic originating at points in the Chicago, Ill., Commercial Zone and destined to points in the Minneapolis-St. Paul, Minn., Commercial Zone; also against transportation of shipments originating at points in the Minneapolis-St. Paul, Minn., Commercial Zone and destined to points in the Chicago, Ill., Commercial Zone.

APPENDIX B

Authority Granted by Order Entered September 13, 1973. Operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Louisville, Ky., and St. Paul, Minn., from Louisville over Interstate Highway 65 (also U.S. Highway 31) to Indianapolis, Ind., thence over Interstate Highway 65 to junction Interstate Highway 90 at or near Gary, Ind., thence over Interstate Highway 90 (also from Indianapolis over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41) to Chicago, Ill., thence over Interstate Highway 90 (also U.S. Highway 12) to Madison, Wis., thence over Interstate Highway 94 (also U.S. Highway 12) to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between Danville, Ill., and St. Paul, Minn., (a) from Danville over Illinois Highway 1 to Chicago, (also from Danville over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., thence over Interstate Highway 57 to Chicago), thence from Chicago to St. Paul as specified in Route (1) above, and return over the same routes, and (b) from Danville over Interstate Highway 74 (also U.S. Highway 150) to Bloomington, Ill., thence over U.S. Highway 51 to junction Interstate Highway 90 at or near South Beloit, Ill., thence over Interstate Highway 90 (also U.S. Highway 51) to Madison, Wis., thence from Madison to St. Paul as specified in Route (1) above, and return over the same route, serving no intermediate points, and restricted in both 2(a) and 2(b) to the transportation of traffic either received from or delivered to connecting carriers at Danville, Ill., and (3) between Chicago, Ill., and St. Paul, Minn.: from Chicago over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, restricted in (3) above against the transportation of traffic originating at points in the Chicago, Ill., commercial zone and destined to points in the St. Paul, Minn., commercial zone and against transportation of traffic originating at points in the St. Paul, Minn., commercial zone and destined to points in the Chicago, Ill., commercial zone.

APPENDIX C

Authority granted herein. Operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Louisville, Ky., and St. Paul, Minn., from Louisville over Interstate Highway 65 (also U.S. Highway 31) to Indianapolis, Ind., thence over Interstate Highway 65 to junction Interstate Highway 90 at or near Gary, Ind., thence over Interstate Highway 90 (also from Indianapolis over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41) to Chicago, Ill., thence over Interstate Highway 90 (also U.S. Highway 12) to Madison, Wis., thence over Interstate Highway 94 (also U.S. Highway 12) to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between Indianapolis, Ind., and St. Paul,

Minn., (a) from Indianapolis over Interstate Highway 74 to Danville, Ill., thence over Illinois Highway 1 to Chicago, Ill. (also from Danville over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., thence over Interstate Highway 57 to Chicago), thence from Chicago to St. Paul as specified in Route (1) above, and return over the same routes, as an alternate route for operating convenience only, serving no intermediate points, and (b) from Indianapolis over Interstate Highway 74 (also U.S. Highway 150) to Bloomington, Ill., thence over U.S. Highway 51 to junction Interstate Highway 90 at or near South Beloit, Ill., thence over Interstate Highway 90 (also U.S. Highway 51) to Madison, Wis., thence from Madison to St. Paul as specified in Route (1) above, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and (3) between Chicago, Ill., and St. Paul, Minn., from Chicago over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route, as an alternate route for operating conveniences only, serving no intermediate points, restricted in (3) above against the transportation of traffic originating at points in the Chicago, Ill., commercial zone and destined to points in the St. Paul, Minn., commercial zone and against transportation of traffic originating at points in the St. Paul, Minn., commercial zone and destined to points in the Chicago, Ill., commercial zone: The routes described in (1), (2) (a), (2) (b), and (3) above are restricted against joinder at any intermediate points.

[FR Doc. 74-7328 Filed 3-28-74; 8:45 am]

[Amdt. 6; I.C.C. Order No. 75; Rev. Service Order No. 994]

WESTERN MARYLAND RAILWAY CO.
Re-routing Traffic

To all Railroads. Upon further consideration of I.C.C. Order No. 75 (Western Maryland Railway Company) and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 75 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 25, 1974.

INTERSTATE COMMERCE
 COMMISSION,

[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 74-7325 Filed 3-28-74; 8:45 am]

[No. AB-34 (Sub-No. 1)]

ST. JOSEPH & GRAND ISLAND RAILWAY CO. AND UNION PACIFIC RAILROAD CO.

Abandonment of Certain Railroad Lines

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby directed to publish the appended notice in a newspaper of general circulation in Hall County, Nebr., within 15 days of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of March 1974.

By the Commission, Commissioner
 Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB-34 (Sub-No. 1)]

ST. JOSEPH & GRAND ISLAND RAILWAY COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDONMENT OF A PORTION OF THE ST. JOSEPH & GRAND ISLAND MAIN LINE AT GRAND ISLAND, HALL COUNTY, NEBR.

The Interstate Commerce Commission hereby gives notice that by order dated March 21, 1974, it has been determined that the proposed abandonment of a portion of the main line of St. Joseph & Grand Island Railway Company and Union Pacific Railroad Company (lessee) in Grand Island, Nebr., a distance of approximately 1.13 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq.; and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of NEPA.

It was concluded, among other things, that traffic over the line has decreased substantially. This line is part of a three track main line system running through the city of Grand Island, Nebr., and the traffic presently being handled over the subject line will be diverted to the parallel tracks of the Union Pacific Railroad. Motor carrier service in the area is adequate. In addition, the abandonment will be consistent with local land use

plans in Grand Island. There will, therefore, be a minimum impact on the area's total transportation scheme.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 15, 1974.

[FR Doc. 74-7327 Filed 3-28-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-400-50-403]

CAROLINA POWER AND LIGHT CO.

Notice of Availability of Revised Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Revised Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Shearon Harris Nuclear Power Plant Units 1, 2, 3, & 4, to be constructed by Carolina Power and Light Company in Wake and Chatham Counties, North Carolina is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina. The Revised Final Environmental Statement is also being made available at the Office of the Planning Coordinator, Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603.

The notice of availability of the Revised Draft Environmental Statement for the Shearon Harris Nuclear Power Plant Units 1, 2, 3, & 4, and requests for comments from interested persons was published in the FEDERAL REGISTER on January 18, 1974 (39 FR 2287). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Revised Final Environmental Statement.

Single copies of the Revised Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 25th day of March 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
*Chief, Environmental Projects
 Branch 2, Directorate of
 Licensing.*

[FR Doc. 74-7249 Filed 3-28-74; 8:45 am]

[Docket Nos. 50-475, 50-476]

CONSUMERS POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report: Time for Submission of Views on Antitrust Matters

Consumers Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed February 28, 1974, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on October 29, 1973. Following a preliminary review for completeness, the application was rejected on November 8, 1973, for lack of sufficient information. The applicant submitted additional information on February 11, 1974, and the application was found to be acceptable for docketing. Docket Nos. 50-475 and 50-476 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the Quanicasse Plant, is located in Hampton Township, Bay County, Michigan, and each unit is designed for initial operation at approximately 3425 megawatts (thermal), with a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before May 29, 1974. The request should be filed in connection with Docket Nos. 50-475-A and 50-476-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Bay City Public Library, 708 Center Avenue, Bay City, Michigan 48706.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated February 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the State Planning Division, Bureau of Programs and Budget, Executive Office of the Governor, Lewis Cass Building, Lansing, Michigan 48913, and the Bay Regional Planning Commission, County Building, Bay City, Michigan 48706.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be

prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 14th day of March 1974.

For the Atomic Energy Commission,

KARL KNTL,
Chief, Light Water Reactors
Branch 2-2, Directorate of
Licensing.

[FR Doc.74-7250 Filed 3-28-74;8:45 am]

[Docket Nos. 50-475, 50-476]

CONSUMERS POWER CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Consumers Power Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Quanicasse Plant, Units 1 and 2 (the facilities), each of which will be designed for operation at approximately 3425 thermal megawatts with a net electrical output of approximately 1150 megawatts. The proposed facilities are to be located in Hampton Township, Bay County, Michigan.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Edward Luton, Esq., Chairman, Gustave A. Linenberger, and Dr. Ernest O. Salo.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an en-

vironmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been

adequate to support the proposed findings to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1-5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to

inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by April 29, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)-(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by April 29, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the

Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Judd L. Bacon, Esq., Senior Attorney, Consumers Power Company, 212 W. Michigan Avenue, Jackson, Michigan 49201, attorney for the applicant.

For further details, see the application for construction permits dated February 28, 1974, and amendments thereto, and the applicant's environmental report dated February 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents are also available at the Bay City Public Library, 708 Center Avenue, Bay City, Michigan 48706 for inspection by members of the public between the hours of 9:30 a.m. and 9:00 p.m., Monday, Tuesday, Wednesday and Friday, and between 9:30 a.m. and 6:00 p.m., Thursday and Saturday. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 21 day of March 1974.

UNITED STATES ATOMIC ENERGY
COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc. 74-7300 Filed 3-28-74; 8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Notice of Meeting

MARCH 27, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Environmental Subcommittee will hold a meeting on April 18 and 19, 1974 in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment.

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

THURSDAY, APRIL 18, 1974, 9:00 A.M.—1:00 P.M.

Review of report by Marc Ross, Physics Departments, University of Michigan, entitled: "The Possibility of Release of Cesium in a Spent-Fuel Transportation Accident."

In connection with the above agenda item, the Subcommittee and its consultants will hold an executive session at 8:30 a.m. on April 18 which will involve a discussion of their preliminary views of the agenda item, and an executive session beginning at 2:00 p.m. on April 18 and continuing all day on April 19 to discuss and to formulate appropriate recommendations to the full ACRS regarding: Regulatory Guide 4.2, "Preparation of Environmental Reports for Nuclear Power Plants," March 1973, and Draft Regulatory Guides: "Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I"; "Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors (PWRs)"; "Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors (BWRs)"; "Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases"; "Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies"—all of which appear in Attachment to Concluding Statement of Position of the Regulatory Staff, Public Rulemaking Hearing On: Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion "As Low as Practicable" for Radioactive Material in Light-Water-Cooled Nuclear Power Reactors, Draft Regulatory Guides for Implementation, February 20, 1974, Docket No. RM-50-2, U.S. Atomic Energy Commission, Washington, D.C. 20545.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of (5 U.S.C. 552(b)). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

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

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

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

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than April 11, 1974,

to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 10:00 a.m. and 12:30 p.m. on April 18, 1974.

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

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 16, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

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

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

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

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after June 19, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-7481 Filed 3-28-74; 10:55 am]

LIQUID METAL FAST BREEDER REACTOR (LMFBR) PROGRAM AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

Notice of Public Hearing

On Wednesday, March 13, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 9692) notice of the availability of a draft environmental impact statement, "Liquid Metal Fast Breeder Reactor Program," issued pursuant to 10 CFR Part 11—AEC regulations implementing the National Environmental Policy Act of 1969, and comments thereon were invited. Notice was also given in that document that copies of such statement are available for public inspection at the following locations:

1717 H Street, NW., Washington, D.C. 20545
P.O. Box 5400, Albuquerque, New Mexico 87115
9500 South Cass Avenue, Argonne, Illinois 60439
550 Second Street, Idaho Falls, Idaho 83401
Federal Building, Oak Ridge, Tennessee 37830
1333 Broadway, Oakland, California 94612
Savannah River Plant, Aiken, South Carolina 29801
Federal Building, Richland, Washington 99352

Single copies of the draft statement will be furnished free of charge upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

As comments are received, copies will be available for inspection at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

The March 13 FEDERAL REGISTER notice also stated that the AEC plans to conduct a legislative-type public hearing in connection with the Liquid Metal Fast Breeder Reactor (LMFBR) Program starting at 10 a.m. on April 24, 1974, in the AEC Auditorium, Germantown, Maryland. The hearing will be conducted by a Presiding Board which will be designated in a further notice in the FEDERAL REGISTER. Further notice of the procedures and other pertinent aspects of the public hearing is hereby supplied.

The purpose of the hearing is to afford further opportunity for public comments regarding the LMFBR program in general and the draft environmental impact statement in particular and for the furnishing of any additional information which will assist the Commission in determining whether to continue the LMFBR program. The Commission has decided as a matter of discretion to hold this hearing as there is no requirement for a hearing on the LMFBR program or draft environmental impact statement under the National Environmental Policy Act of 1969 or any other law.

Any person who wishes to become a participant in the proceeding must file with the Secretary of the Commission not later than the close of business on April 19, 1974, an original and five conformed copies of a request to become a participant. The request must set forth: (1) His name and address; (2) his organizational affiliation, if any; (3) his technical or other qualifications to make

a contribution to the hearing; (4) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (5) the names and addresses of all witnesses to be called at the hearing by the participant, the technical or other qualifications, if any, of such witnesses, and a statement of the substance of the proposed testimony, or a reasonably detailed summary thereof and (6) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule participants for the full amount of time requested. However, it may not be able to accommodate requests in excess of one-half hour. Participants may, but need not be represented by counsel. The Presiding Board may, in its discretion, at the commencement of each session of the hearing, admit persons as participants on good cause shown as to why they did not seek advance qualification as participants.

Any person who wishes to present an oral or written statement at the hearing, but does not desire to become a participant as specified hereinabove, is encouraged to make a limited appearance. Such an appearance will be permitted in the discretion of the Presiding Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission not later than the close of business on April 19, 1974.

Participants and persons making limited appearances may submit written questions relevant to the purpose of the hearing to the Presiding Board, which will, in its discretion, make provision for the answering of such questions as appropriate.

Procedures that will be followed in the scheduled hearing are as follows:

1. Two members of the Presiding Board will constitute a quorum, if one of those members is the Chairman.

2. All persons admitted as participants will present their testimony under oath. Consistent with the full and true disclosure of the facts, duplicative, redundant or nonproductive testimony will not be permitted and the Presiding Board will impose suitable restrictions to that end.

3. The AEC will make available appropriate witnesses to explain the background and purpose of the LMFBR program and the contents of the draft environmental impact statement. Participants may request specified witnesses, and if such a request is made, the Presiding Board, upon determining that the request is relevant, nonduplicating and meritorious, will encourage such witness to testify. No subpoenas requiring the testimony of witnesses will be issued by the Presiding Board.

4. Participants will reference and produce on request the documents on which they rely. Requests for interrogatories, depositions or formal discovery will not be entertained.

5. The Presiding Board is authorized to take appropriate action to control the course of the hearing, including the authority to maintain order; administer oaths and affirmations; rule on offers of, and receive, evidence; regu-

late the course of the hearing and the conduct of the participants; provide for consolidation of presentations as appropriate; dispose of procedural requests or similar matters; examine witnesses; and hold conferences before or during the hearing.

The hearing will be conducted as expeditiously as practicable, consistent with affording participants and those making limited appearances a reasonable opportunity to present their positions, as determined by the Presiding Board. A transcript of the hearing will be made, and a copy of the transcript, together with copies of all documents presented at the hearing, will be placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the other locations specified in the first paragraph of this notice, where they will be available for inspection by members of the public.

After the conclusion of the hearing, the Presiding Board, without rendering any decision or making any recommendation, will forward the transcript of the hearing to the Commission together with its identification of issues raised at the hearing.

Dated at Germantown, Maryland, this 26th day of March 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-7406 Filed 3-29-74;8:45 am]

